

# PLANNING COMMITTEE REPORT

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

|                                 |                                   |                   |
|---------------------------------|-----------------------------------|-------------------|
| <b>PLANNING SUB-COMMITTEE B</b> |                                   |                   |
| <b>Date:</b>                    | <b>19<sup>th</sup> March 2015</b> | <b>NON EXEMPT</b> |

|                          |  |
|--------------------------|--|
| Application number       | P2014/4873/FUL   |
| Application type         | Full Planning Application  |
| Ward                     | Finsbury Park  |
| Listed building          | N/A  |
| Conservation Area        | N/A  |
| Development Plan Context | Finsbury Park Core Strategy Key Area<br>Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral.                                       |
| Licensing Implications   | N/A  |
| Site Address             | Multi Use Games Area to the north of Chard House and Methley House, Andover Estate, London, N4   |
| Proposal                 | Temporary change of use of Multi Use Games Area to Community Plant Nursery for 2 years with the erection of poly tunnels, seating areas and raised planting beds |

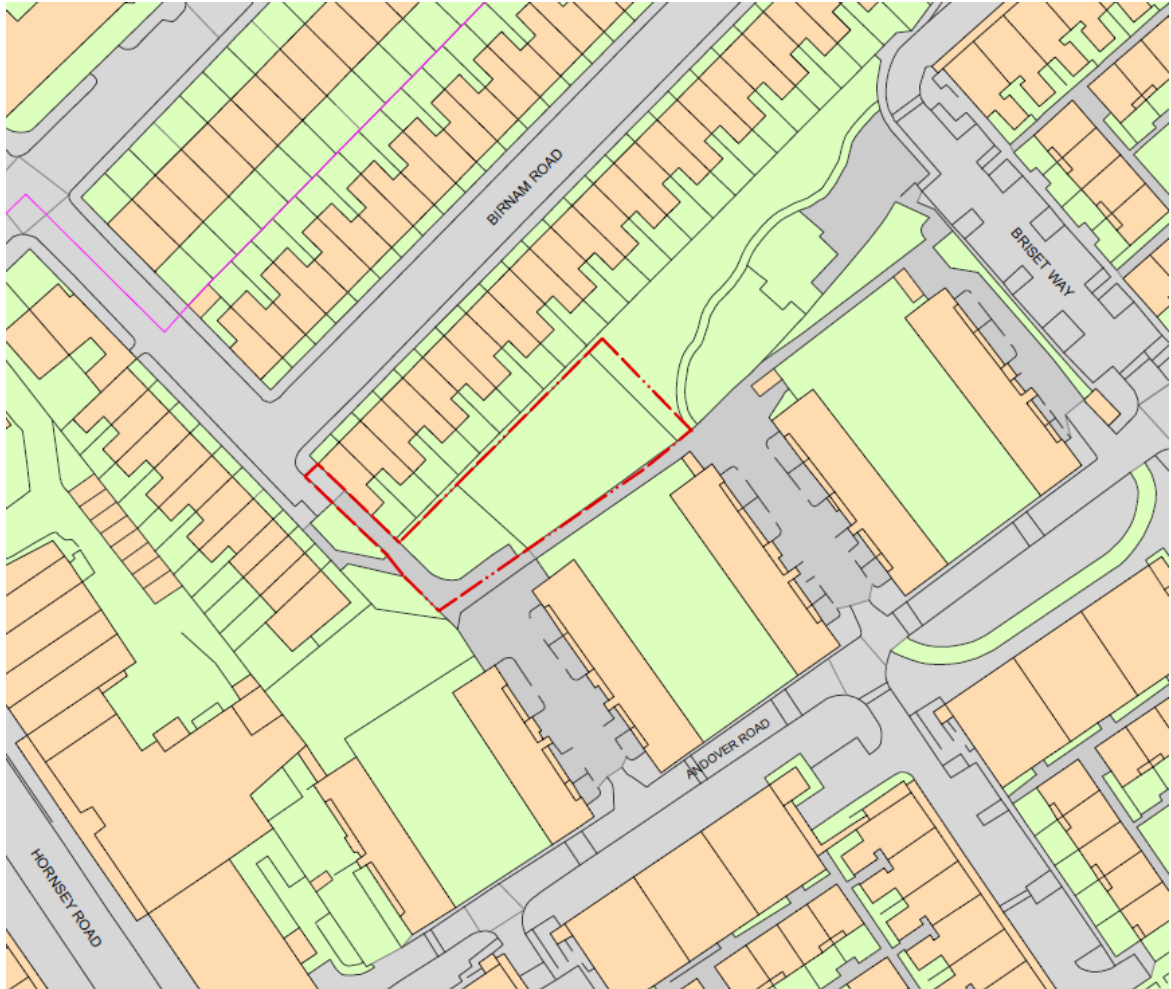
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|--------------|-------------------------------------|
| Case Officer | Nathaniel Baker                     |
| Applicant    | Finsbury Park Community Hub         |
| Agent        | Annie Lennox Landscape Architecture |

## 1 RECOMMENDATION

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

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

**2 SITE PLAN (SITE OUTLINED).**



PHOTOS OF SITE/STREET



Image 1 - View from south west of site



Image 2 -View from north east of site



Image 3 – Pedestrian entrance from Birnam Road

## **4 SUMMARY**

- 4.1 The application proposes the temporary change of use of a disused MUGA/pitch to a community Plant Nursery for a period of 2 years. This includes the introduction of two poly tunnels, raised planting beds, seating areas and hard and soft landscaping works.
- 4.2 The proposal, although not including the re-provision of a sports pitch, would bring an active use to a currently inadequate and unused play space/sports pitch. Additionally the proposed temporary use would improve the appearance of the site, the regular use of the site and physical improvements would represent a deterrent to anti-social behavior and the proposal would achieve policy aims to provide food growing space for local residents. The temporary use would also maintain the openness of the semi-private amenity space element of the site.
- 4.3 In design terms the proposal would introduce activity to the currently underused site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate. The Plant Nursery use would result in limited disturbance to neighbouring occupiers, while the proposed temporary structures are small in scale.
- 4.4 As such, the proposal is considered to be acceptable and is recommended for approval for a temporary 2 year period subject to conditions.

## **5 SITE AND SURROUNDING**

- 5.1 The site comprises of a former MUGA, known as the Sue Davis Memorial Pitch, an area of grass to the west of the pitch and a footpath leading to Birnam Road. The MUGA is located on a raised area, with a supporting wall running along the southern side of the pitch, steps up to the pitch on the west and a high metal fence on the north and south sides of the pitch. To the west the grassed area slopes down to a footpath leading to Birnam Road.

- 5.2 The MUGA previously incorporated high fencing to the east and west sides, goal posts and was surfaced with all weather playing surface. These elements have been removed by Islington Council due to anti-social behaviour concerns, resulting in an open area of broken hardstanding which no longer serves as a MUGA.
- 5.3 The MUGA abuts the rear gardens of the residential properties to the north of the site along Birnam Road, while to the south the land steps down to a footpath with five storey residential blocks with east/west orientations beyond this. To the east of the MUGA is a landscaped area inclusive of a playground.
- 5.4 The site is not located within a conservation area and the surrounding properties are not listed.

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

- 6.1 The proposal is for a temporary change of use of Multi Use Games Area (MUGA) and grassed area to a Community Plant Nursery for 2 years with the erection of polytunnels, seating areas and raised planting beds.
- 6.2 The two proposed polytunnels would have a footprint measuring 9.8 metres by 6 metres with the maximum height of 3 metres. The poly tunnels would have a galvanised metal frame with polythene stretched over this to form a semi-circular barrel shape. The two polytunnels would be located along the northern side of the site. The polytunnels would incorporate raised beds/planters with a total of four water butts next to the poly tunnels.
- 6.3 The raised beds/planters would be formed of timber sleepers with a height of between 0.38 and 0.63 metres, with up to 22 proposed. These would be free standing or fixed where stability is required via a 0.08 deep fixing.
- 6.4 A number of seating edges would be provided in the form of timber sleepers. Landscaping works include the provision of a footpath at the western end of the site and a number of 'soft' paths (hoggins, stepping stones or reinforced grass).
- 6.5 The plans detail the erection of a 5 metre high fence to the east and western ends of the former MUGA and the erection of a 1.9 metre high metal fence around the grassed area to the west of the site. These are proposed to be installed by Islington Council to secure the disused play space and therefore do not form part of this application.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 **870616** - Erection of floodlighting columns to light existing football kickabout pitch - **Granted Conditional Permission** (23/11/1987).
- 7.2 **860491** - Extension of an existing two metre high wooden fence at the rear of 36-60 Birnam Road to a total height of 4 metres by the addition of weldmesh fencing – **Granted Conditional Permission** (01/07/1986).

## **8 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 218 adjoining and nearby properties at Andover Road, Birnam Road on the 7<sup>th</sup> January 2015. A site notice was displayed and a press advert published on 15<sup>th</sup> January 2015. The public consultation on the application therefore expired on 5<sup>th</sup> February 2015. 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 a total of 2 responses had been received from the public with regard to the application. These consisted of 1 letter making comments and one letter of support for the proposal. The comments can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- What measures will be put in place to ensure that the proposed plant nursery will be used for its intended purpose (Para 10.30);
- Concern raised regarding the benches forming a focal point for anti-social behaviour (Para 10.23); and
- The Plant Nursery could be beneficial to the community if implemented correctly (Para 10.4); and
- It is a great concept and is a positive for the area.

### **Applicant's consultation**

8.3 The applicant's submission includes a Statement of Community Involvement and a Community Consultation document. This details that local residents were consulted between July and August 2014 with direct engagement and a public event. The consultation formed part of a wider consultation process which includes a proposed sports pitch at Corker Walk (Planning Application ref: P2014/5085/FUL).

### **External Consultees**

8.4 **Sport England** – Do not wish to comment on this particular application.

### **Internal Consultees**

8.5 **Access and Inclusive Design Officer** – No objection.

8.6 **Tree and Landscape Officer** – No objection.

8.7 **Transport Planning Officer** – No objection.

8.8 **Public Protection (Noise)** – No response received.

8.9 **Bio-diversity and Nature Conservation** – No response received.

8.10 **Parks and Open Spaces** – No response received.

## **9 RELEVANT POLICIES**

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

### **National Guidance**

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Policy Guidance 2014 provides planning practise guidance for the implementation of the policies set out in the NPPF. The NPPG is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

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

### **Designations**

- 9.4 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Area Action Plan 2013.
- Finsbury Park Core Strategy Key Area
  - Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral

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

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

## **10 ASSESSMENT**

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

- Land Use;
- Design and Landscaping;
- Accessibility;
- Neighbour Amenities;
- Highways and Transportation Implications;

### **Land Use**

- 10.2 Development Management Policy DM6.3 states that the Council will resist the loss of play space unless a replacement play space of equivalent size and functionality is provided. Where this is not possible development will only be permitted in exceptional circumstances where there are over-riding planning merits, and the capacity of other local play spaces shall be increased through a financial contribution.

- 10.3 With regard to semi-private amenity space, the Council encourages greater public use such space, including for local food growing, providing the space remains substantially undeveloped and open and that accessibility to the general public is improved.
- 10.4 Policy DM6.4 sets out that development that would result in the loss of existing public sport and recreational facilities will be refused unless the same type of facility is reprovided, the facilities meet an identified need, replacement facilities are appropriately and accessibly located, the quality of reprovion is enhanced and the quantity is maintained.
- 10.5 The proposal would result in the loss of the sports pitch at the site and introduce a temporary Plant Nursery with associated structures. The submission details that the Plant Nursery would provide space for residents to grow food, workshops for residents, special activates for schools and youth organisations and provide horticultural training as part of a programme to create routes into work. It is the aim of the applicant for the Plant Nursery to become self-funding with the generation of income through produce sales.
- 10.6 The site currently consists of a previous sports pitch (MUGA) and a grassed area of semi-private amenity space to the west of this. The MUGA was decommissioned by Islington Council in 2013 with the fencing to the east and west, and the playing surface removed due to Health and Safety and anti-social behaviour concerns, leaving broken hardstanding and open ends to the pitch.
- 10.7 The applicant sets out that as part of wider plans for the Andover Estate it is envisaged that an improved play space would be provided on the green space to the west of Corker Walk, at the southern end of the Estate. Proposals for the reprovion of play space at Corker Walk do not have planning permission and without this it would be unreasonable to require this level of reprovion on a temporary use. As such, the envisaged reprovion of this sports pitch within the wider Estate does not form a material planning consideration that at this time be considered in favour of the proposal. This would be required in order to justify its permanent change of use.
- 10.8 Although the proposal does not include the reprovion of a sports pitch of an equivalent size and functionality, it would bring an active use to a currently inadequate, unused and decommissioned pitch. Additionally, the proposal would improve the appearance of the site, introduce a regular use and the physical improvements would represent a deterrent to anti-social behavior, with the proposal achieving a policy aim to provide food growing space for local residents.
- 10.9 Taking the planning merits of the proposal, the existing condition of the sports pitch, the wider plans for the Andover Estate to re-provide play space and the temporary nature of the structures, a temporary permission would provide a number of planning benefits for a limited period while longer term solutions to the loss of the sports pitch, as part of wider estate improvements, are considered.
- 10.10 Notwithstanding this, the continued operation of the site through temporary permissions in perpetuity would not represent a satisfactory solution to the loss of sports pitch. Accordingly the minimum time period of 2 years, as detailed by the applicant, is considered to be appropriate. Any future application for a change of use of the sports pitch would be expected to include details of permanent solutions for the reprovion of the play space/sports pitch.



- 10.11 With regard to the semi-private amenity space to the west of the site, the proposed works to the site are minimal with low level seating and landscaping work. The landscaping of this area, the provision of seating and the community use of the site would encourage a greater public use and maintain the openness of this space.

### **Design and Landscaping**

- 10.12 The proposal would introduce two poly tunnels, up to 22 raised beds/planters, associated water butts, six seating areas, 'soft' paths and an extent of hardstanding.
- 10.13 The two proposed poly tunnels would be of a modest scale with the barrel form reducing the scale further. Due to this, their temporary form and lightweight design, they would not be prominent within the locality.
- 10.14 The proposed raised beds/planters, whilst numerous, would be spaced out across the hardstanding and would be minimal scale. Additionally the proposed seating edges would either form part of raised beds/planters or form part of a minimal seating area to the west of the site. For these reasons, and the temporary appearance of the structures, the proposed raised beds/planters and seating would not be obtrusive within the locality.
- 10.15 The landscaping works are confined to the grassed area to the west of the site and consist of 'soft' paths leading to planting beds and a central hardstanding footpath. The provision of the footpath would provide an entrance to the nursery area and an informal seating area.
- 10.16 The proposal would introduce activity to the currently underused and neglected site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate.
- 10.17 Although the plans detail an area for a future shed, plans of this have not been submitted and this would therefore require planning permission.

### **Accessibility**

- 10.18 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard.
- 10.19 The existing ramp and handrails at the eastern end of the site would be retained, the proposal would introduce a step free access from the western end of the site and the proposed planters would be raised with sufficient space between planters for manoeuvring. The proposal would provide a suitable level of accessibility.

### **Neighbouring Amenity**

- 10.20 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must 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.

- 10.21 It is considered that the replacement of a playspace with a Plant Nursery would reduce the potential intensity of the use of the site and therefore reduce disturbance to neighbouring occupiers.
- 10.22 The proposed structures at the site would be minimal in scale with largest structures, the poly tunnels, having a modest height of 3 metres and a lightweight design. This would ensure that the proposed structures would not be overbearing to neighbouring occupiers.
- 10.23 It is noted that concern has been raised regarding anti-social behaviour, particularly in the case of providing seating. The proposed improvements to the design of this area and the introduction of activity would represent a deterrent to anti-social behavior

### **Highways and Transportation**

- 10.24 The site has a PTAL rating of 3, which is 'Moderate' and is accessible by footpath with a ramped access at the eastern end and a proposed footpath at the western end.
- 10.25 The plans detail delivery and servicing to be from Birnam Road, with trolleys, wheelbarrows and occasional small maintenance vehicles accessing the site via the footpath to the west. Due to the small scale of the proposed use and its temporary nature, this is considered to be acceptable.
- 10.26 With regard to cycle parking, the proposed Plant Nursery would serve the existing residents of estate and therefore the existing cycle parking at the estate should be sufficient.

### **National Planning Policy Framework**

- 10.27 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

### **Other Matters**

- 10.28 The plans detail the removal of a tree stump. This has been assessed by the Tree and Landscape Officer and considered to be acceptable.
- 10.29 With regard to drainage, the proposal includes the laying of hardstanding and a condition is recommended requiring this to be laid in permeable materials.
- 10.30 A representations has been received which questions what measures will be put in place to ensure that the proposed use will be operated for its intended purposes. The proposed condition (Condition 1 and 2) ensure that only the use as approved and detailed within the submission documents is carried out at the site. Should there be a breach of the permission then appropriate Enforcement Action would be taken where relevant.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application proposes the temporary change of use of a disused MUGA/pitch to a community Plant Nursery for a period of 2 years. This includes the introduction of two poly tunnels, raised planting beds, seating areas and hard and soft landscaping works.
- 11.2 The proposal, although not including the re-provision of a sports pitch, would bring an active use to a currently inadequate and unused play space/sports pitch. Additionally the proposed temporary use would improve the appearance of the site, the regular use of the site and physical improvements would represent a deterrent to anti-social behavior and the proposal would achieve policy aims to provide food growing space for local residents. The temporary use would also maintain the openness of the semi-private amenity space element of the site.
- 11.3 In design terms the proposal would introduce activity to the currently underused site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate. The Plant Nursery use would result in limited disturbance to neighbouring occupiers, while the proposed temporary structures are small in scale.
- 11.4 As such, the proposal is considered to be acceptable and is recommended for approval for a temporary 2 year period subject to conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

|          |   |
|----------|---|
| <b>1</b> | <b>Commencement (Compliance)</b><br>CONDITION: The Plant Nursery use of the site hereby approved shall be implemented within 3 years of the date of this permission and is granted only for a limited period, being 24 months from the first operation of the use, on or before that date the temporary use shall cease. On the cessation of the temporary use hereby granted all structures hereby approved shall be removed from the site and the land shall revert to the use/purpose for which it was used prior to the grant of this planning permission.<br><br>Reason: The proposed change of use and its justification is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the exceptional circumstances of this case. |
| <b>2</b> | <b>Approved plans list (Compliance)</b><br>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:<br><br>ALLA 018-L01, ALLA 018-L02, ALLA 018-L03 Rev A, ALLA 018-D001, ALLA 018-D002, Planning Statement (revision A December 2014) and Community Consultation (August 2014).<br><br>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.   |
| <b>3</b> | <b>Hardstanding (Compliance)</b><br>CONDITION: Notwithstanding the details on the plans hereby approved, the proposed hardstanding shall be permeable.<br><br>REASON: In order to ensure the sustainable management of water and flood prevention.  |
| <b>4</b> | <b>Floodlights (Compliance)</b><br>CONDITIONS: The existing floodlights at the site shall not be used at any time for the purposes of the Plant Nursery use hereby approved.<br><br>REASON: To protect the amenity of neighbouring occupiers adjacent to the site   |

## List of Informatives:

|          |  |
|----------|--|
| <b>1</b> | <b>Community Infrastructure Levy (CIL) (Granting Consent)</b><br><br>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), if planning consent is granted for this application following an appeal, this development will be liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and Mayor of London Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012.<br><br>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a> . Guidance on the Community Infrastructure Levy can be found on the Planning Policy Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a> . |
| <b>2</b> | <b>Working in a Positive and Proactive Way</b><br><br>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.<br><br>A pre-application advice service is also offered and encouraged.<br><br>The LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF<br><br>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.   |

## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

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

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

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

Policy 1.1 Delivering the strategic vision and objectives for London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

##### **6 London's transport**

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

##### **7 London's living places and spaces**

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

##### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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

##### **Spatial Strategy**

Policy CS2 (Finsbury Park)

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

**Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

**Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

**C) Development Management Policies June 2013****Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**Housing**

**DM3.7** Noise and vibration (residential uses)

**Health and Open Space**

**DM6.1** Healthy development

**DM6.3** Protecting open space

**DM6.4** Sport and recreation

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Flood prevention

**Energy and environmental standards**

**DM7.1** Sustainable design and construction statements

**DM7.4** Sustainable design standards

**Transport**

**DM8.2** Managing transport impacts

**DM8.4** Walking and cycling

**Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

**Designations**

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

- Finsbury Park Core Strategy Key Area
- Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Inclusive Landscape Design
- Urban Design Guide

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London