

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	9 July 2015	<b>NON-EXEMPT</b>

Application number	P2014/1372/FUL
Application type	Full Planning (Council's Own)
Ward	Clerkenwell
Listed building	Not listed
Conservation area	Not in a Conservation Area
Development Plan Context	Central Activities Zone, Bunhill and Clerkenwell Key Area, Local Views from Archway Road and Archway Bridge.
Licensing Implications	n/a
Site Address	Three Corners Centre, Northampton Road, London EC1,
Proposal	Erect an internally located 3.0m high wooden fence with double access gate along Northampton Road boundary.

Case Officer	Ben Phillips
Applicant	Islington Council - Guy Lawrence
Agent	n/a

- 1.1 The application was originally reported to committee on the 9<sup>th</sup> of October 2014. A Trustee of Three Corners Trust spoke against the application (and raised issue with the security of the proposed fence that the drawings submitted were not the correct height and location) and there was no representative from the applicant (Islington Council- Children Services) present to answer queries.
- 1.2 The application was therefore deferred in order for a meeting to be held between the Trustees and the applicants, with a member of the planning department present, to discuss the issues raised.
- 1.3 The meeting was held on the 13<sup>th</sup> of November and was attended by LBI Children's Services (Guy Lawrence), Three Corners Trust (George Allan) and LBI Planning (Henrik Dorbek).
- 1.4 It was agreed that:
  1. LBI Children's Services to explain the relationship between the Three Corners Trust and the adventure playground.
  2. LBI Children Services to provide amended plans and CGI's for review (if appropriate)

3. LBI Planning to confirm if support would be forthcoming to remove the existing historic wrought iron fence
4. LBI Planning to confirm if support would be forthcoming to a proposed 3m high fence at the boundary similar to the fence surrounding the site.

### **Relationship between Three Corners Trust and adventure playground.**

- 1.5 With regards to the relationship between the trust and the site, LBI Childrens Services have confirmed that:
- 1.6 The committee was given the impression that the Three Corners Trust managed the site and the adventure playground on behalf of the council. This is not a true reflection of the relationship with the Three Corners Trust.
- 1.7 The Three Corners Trust are a charitable organisation independent of the council, the site and the adventure playground that has been granted a licence to operate the commercial hiring of the 3G football pitch on at the adventure playground. This Licence runs until the end of March 2016. The Trust are not based he 3 Corners Centre and manage the access to the pitch from Corporation Road. The 3 Corners Centre and the adventure playground as well as football pitch are property of Islington Council Children's Services.
- 1.8 The providers currently operating from the 3 Corners Centre are Three Corners Adventure Playground, Adult Learning and an independent Danish School (Dania School). None of the providers have highlighted a concern with the proposed design.

### **Additional Plans**

- 1.9 Additional 3D plans have been provided, along with an amended drawing which show the correct location of the fence (drawings SK100 A, TC D01). It is considered that these drawings clearly show the position of the proposed fence and illustrate its visual impact.

### **Removing existing fence and new design**

- 1.10 In relation to the last 2 issues, Conservation and Design and Planning Officers do not support either the removal of the existing wrought iron fence or the substitution of the current design with fencing similar to the remainder of the site. As stated in the main committee report, the proposed fence is considered to be respectful to the conservation area and will provide continuity to the existing frontage which already has a similar style fence.

### **Security**

- 1.11 Finally, in terms of the security, the following statement has been provided:
- 1.12 Before agreeing the design with contractor, research was undertaken to gauge the type of fencing used in Islington's open spaces and outdoor sports facilities. Gaining feedback from Greenspace and other partners regarding what they had found to be the most effective when balancing fencing solution designed with both aesthetics and protection in mind. The fencing design also considered previous consultation with children and young people that influence the combination of the current temporary play structure/fence already on site at near the entrance area. Guidance on security fencing posted online by the police was also considered. The gates will be padlocked when there is no service running from the playground, which acts as a second barrier to the existing front gate and entrance.
- 1.13 We shared concerns regarding the existing front fence that has spikes and runs the full length of Northampton Road. The internal fence will act as a deterrent to people climbing over the spiky fence to gain access to the adventure playground, thus reducing the current risk of someone getting impaled trying to get access to the site in out of hours.

- 1.14 The research and advice identified that the spacing in the mesh of the metal gates would be a challenge to climb, supporting the security of the site. The spacing between the wooden panels in the fencing was also taken into consideration in the design of the fence to ensure that it was difficult to scale. The current design and materials also allow for the staff at the playground to replace sections of the fence if it is vandalised.
- 1.15 We wanted to make sure that there were still good sightlines into the adventure playground. To support this, the wooden fencing design incorporates spacing between the panels as well as dedicated coloured square Perspex windows throughout the fence (please see example photo attached). The main sightline will come through the metal gates that span the width of the path and driveway. This offers a direct view of the main play area that was subject to an arson attack two years ago. We also have dedicated parents who live in the tower block overlooking the playground, who keep a look out for flashing lights on the maze towers that shows that someone as broken-in to the area that was the focal point for the previous arson.
- 1.16 The proposed fence and location towards the building does not give easy access to the roof, which would be the only way the installation of the fence could cause a security risk to the building.
- 1.17 In considering the design and siting of the proposed fencing a balance was struck between privacy, safety and security on the one hand and aesthetic considerations on the other. We wanted to make sure we got the right balance and that security did not outstrip other relevant considerations such as visual impact and effect on local users of the site.

### **Conclusion and recommendation**

- 1.18 As such, it is considered that all issues raised at the 9<sup>th</sup> of October committee have been addressed, and as stated in the Committee report attached, approval is recommended with conditions.

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<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	09 October 2014	<b>NON-EXEMPT</b>

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Case Officer	Henrik Dorbeck
Applicant	Islington Council - Guy Lawrence
Agent	n/a

### 1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



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**3. PHOTOS OF SITE/STREET**



**Photo 1 – Location of proposed fence across existing entrance**



**Photo 2 – View of existing fence to be replicated (left side of photo) and entrance to site (right side of photo)**



**Photo 3 – Existing tree and interface location of fence with existing building.**

#### **4. PROPOSAL (IN DETAIL)**

- 4.1 Planning Permission is sought for the erection of a maximum 3.0m high fence between the existing 'bin-stores' and the Three Corners building at the subject site. The fence will be a continuation of an existing fence and is set back from the street frontage internally within the site. The fence will follow the undulation or topography of the site to not exceed a maximum of 3.0m in height. The fence is proposed for security purposes.
- 4.2 The proposed fence, while creating a new visual barrier, will maintain visual permeability to the site through its design and will provide visual interest to parties passing the site. The fence will be a continuation of an existing fence which will provide a uniform frontage to the site and maintain uniformity. Further the proposed fence will sit internally within the site lower than the existing pavement level thereby reducing the perceived height.
- 4.3 The proposal does not raise any adverse impacts on the amenity of neighbours or adverse impacts on the safe operation of the highway.
- 4.4 Council's Tree Protection and Landscape Officer is satisfied that the existing tree on the site will not be adversely impacted. However, conditions have been added to control works and potential impacts to this tree.

#### **5. SITE AND SURROUNDING**

- 5.1 This application relates to the Three Corners Playground, Sports Area and Centre, located within Spa Fields Park which sits between Northampton Road, Skinner Street, Corporation Row. The east side of Spa Fields Park comprises a landscaped green open park area. The north part of Spa Fields Park is a children's play area. Three Corners Playground, Sports Area and Centre (the application site) is located to the west of the park at a lower level.
- 5.2 The Three Corners comprises an adventure playground to the east side, a Multi Use Games Area (MUGA) to the south, and a two storey contemporary activity centre building to the west side. The park and the adventure playground are separated by a 1.4m high

railing fence. The adventure playground was recently reconstructed due to a fire which destroyed most of the existing structure.

- 5.3 The fence is proposed for security purposes to minimise future attempts at vandalism and destructive activities which have occurred in the past.
- 5.4 The surrounding area is a mix of residential, commercial, and open space. The site is located within the Central Activities Zone and is within 50m of the Clerkenwell Green and Roseberry Avenue conservation areas. The site also has an identified play spaces in accordance with DM6.3.

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

- 6.1 The proposal is to erect a maximum 3.0m high fence between the existing 'bin-stores' and the Three Corners building. The fence will be a continuation of an existing fence and is set back from the street frontage internally within the site. The fence will follow the undulation or topography of the site to not exceed a maximum height of 3.0m.

### **Revision 1**

- 6.2 During the course of the application, an amended plan was received to change the location of the fence slightly. The amended fence location is supported.

## **7. RELEVANT HISTORY:**

The relevant planning history is set out below:

### **Planning Applications**

- 7.1 P2013/0843/FUL - Installation of 3m high replacement boundary fence to the north and east boundary of the site. Approved with conditions. 14/06/2013.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 86 adjoining and nearby properties at Northampton Road, Green Bowling Lane and Rosoman Street on 22 July 2014. The public consultation of the application therefore expired on 12 August 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of one objection had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Proposed wall and gates will interrupt views over the playground (para 9.2-9.5);
  - Proposal will diminish the amenity value of the open space through loss of open aspect (para 9.2-9.5);
  - Proposed wall and gates create an oppressive feature (para 9.2-9.5);
  - Proposal will be ineffective in achieving extra security; (para 9.11-9.14)



- Proposal will mean that unauthorised access from youths will be more dangerous; (para 9.11-9.14)
- CGI drawings do not show trees and proposal may impact viability of trees onsite; (para 9.6-9.8)
- Alternative approaches to fencing should be sought, similar to remainder of the site (para 9.11-9.14);
- Site needs to be developed in a master planned and integrated manner (para 9.11-.14);

### **External Consultees**

8.3 None.

### **Internal Consultees**

8.4 Design and Conservation – The proposed fence will relate well to the existing site and will replicate the existing treatment. It is considered acceptable.

8.5 Tree Preservation / Landscape– The proposed wooden wall will have limited impact on trees and landscaping. There are no tree or landscaping reasons to recommend refusal of the application.

### **Other Consultees**

8.6 None.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

9.3 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:

- **Adventure Playground**

- **Bunhill and Clerkenwell Core**

- **Central Activities Zone**
- **Local View from Archway Road**

- Strategy Area**
- **Local View from Archway Bridge**

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

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

## **10. ASSESSMENT**

10.1 The proposal is to erect a maximum 3.0m high fence between the existing 'bin-stores' and the Three Corners building. The fence will be a continuation of an existing fence and is set back from the street frontage internally within the site. The fence will follow the undulation or topography of the site to not exceed a maximum height of 3.0m.

- Design, Conservation and Heritage
- Landscaping and Trees
- Neighbouring Amenity
- Highways and Transportation

### **Design, Conservation and Heritage Considerations (including Archaeology)**

10.2 The host site, while not within a conservation area, is located within close proximity to the Roseberry Avenue and Clerkenwell Green Conservation Areas. Those guidelines have been considered in the assessment of this application.

10.3 The proposed fence will provide a new partial visual barrier which restricts some views across the site and affects its current open aspect. However, it is noted that the proposal is to replicate the existing fence on the site (fronting to Northampton Road) in terms of design, materials and visual permeability. Inherently, in fencing the site, the open aspect and views over the site will be impacted; however it is not considered that this is to the sites detriment.

10.4 In this regard, the existing fence on the site allows passers-by to achieve views into the site through gaps between the palings on the fence. Further, the fence includes a number of square panels which are permeable Perspex (or similar) and allow uninterrupted views into the site. The fence is also set back from the front boundary on ground that slopes away and down from the vehicle crossing. The maximum height of the fence would therefore appear lower than 3.0m, and some views may still be achieved over the site. The gaps between the palings, Perspex panels, and type of access gate proposed therefore maintain visual permeability to the site and also provide visual interest to both passers-by and users of the site. It is considered that such a fence is fitting for the intended use and users of this section of the site.

10.5 The Council's Design and Conservation officer is supportive of the proposal. As set out above, the proposed fence will provide continuity to this frontage of the site and provides some visual interest in the form of coloured permeable panels.

### **Landscaping and Trees**

10.6 As noted previously, the Council's Tree Protection and Landscape Officer has reviewed the proposal in terms of the impact of this fence on the trees at the front of the site, and is supportive of the proposal.

10.7 The proposed fence is to be a maximum height of 3.0m. In this regard it is noted that where the site topography varies, the height of the fence will vary also to adapt and move

with these undulations. Specifically, this is important where the fence is proposed to pass under the subject tree on site.

- 10.8 It is noted that some trimming / pruning may be required to the existing trees on site but this will be done by approved contractors.

### **Neighbouring Amenity**

- 10.9 The proposal raises no issues with respect of neighbour amenity.

### **Highways and Transportation**

- 10.10 The proposal raises no issues with respect of highways and transportation. In this regard it is noted that while this application relates to a fence / gate across an existing internal access, that this is set back into the site and will not adversely impact on the operation and or maintenance of the highway network.

### **Other Matters**

- 10.11 Objections have been raised in comments received to this application relate to matters which are not material considerations and are unable to be considered in the context of this application however, some further comment is provided on these below.
- 10.12 Whilst it is noted that issues have been raised relating to the effectiveness of the proposed fence in achieving its stated purpose of 'securing' the site from unauthorised users, it is considered that the Local Planning Authority ('LPA') is not able to seek amendments, refuse or defer an application based the probability or viability of success in this regard.
- 10.13 Similarly, concerns raised as to other unauthorised access routes which may be given rise to as a result of the proposal, and / or the dangers that unauthorised users would experience when trying to access the site, are not material considerations in the determination of whether the proposal meets the Development Plan.
- 10.14 The Local Planning Authority is required to determine the application as submitted, taking into account material considerations, in accordance with the Development Management Plan. In this regard, and as demonstrated above, the proposal is considered to be in accordance with these documents and should be approved accordingly.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 For the reasons set out above, it is considered that the proposal will not have any unreasonable impact on the character and appearance of the area and would have no impacts on trees located on the site, the amenity of neighbours or on the safe operation of the highway.
- 11.2 The proposal is considered to be consistent with the Islington Core Strategy (2011), the Islington Development Management Policies (2013), the Urban Design Guide (2006) and the adjacent Conservation Area Guidelines for the Roseberry Avenue and Clerkenwell Green Conservation Areas.

## **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Fence Location Plan, TC D01, Indicative CGI Images x2, Site Location Plan.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Maximum Height</b>
	<p>CONDITION: Notwithstanding the approved plans, the fence shall be a maximum of 3.0m high above existing ground level and shall accurately replicate the existing fence which fronts to Northampton Road in terms of design, materials, visual permeability, and colour.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard and provides a consistent frontage.</p>
<b>4</b>	<b>Changes to fence location</b>
	<p>CONDITION: Should minor deviations to the location of the fence be required to address issues during final design, the amended details will be submitted to and approved by the Local Planning Authority. The fence shall be constructed in accordance with the details thereby approved.</p> <p>REASON: To ensure that the revised location is acceptable in amenity and design terms and In the interest of proper planning.</p>

### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the LPA and the applicant have worked positively and proactively in a collaborative manner through the application stage to deliver an acceptable development in accordance with the requirements of the NPPF. The LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition.</p>

	<p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages.</p>
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## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

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

**Policy 7.4 Local character**

**Policy 7.6 Architecture**

**Policy 7.8 Heritage assets and archaeology**

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

##### **Spatial Strategy**

**Policy CS8 (Enhancing Islington's Character)**

##### **Strategic Policies**

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

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

##### **Design and Heritage**

**DM2.1 Design**

**DM2.3 Heritage**

##### **Health and open space**

**DM6.1 Healthy development**

**DM6.2 New and improved public open space**

**DM6.3 Protecting open space**

**DM6.4 Sport and recreation**

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

### **3. 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:

- **Adventure Playground**
- **Central Activities Zone**
- **Local View from Archway Road**
- **Bunhill and Clerkenwell Core Strategy Area**
- **Local View from Archway Bridge**

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
- **Conservation Area Design Guidelines**
- **Urban Design Guide**