# **PLANNING COMMITTEE REPORT**

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

PLANNING SUB-COMMITTEE B		
Date:	24 <sup>th</sup> November 2015	NON-EXEMPT

Application number	P20153442//FUL	
Application type	Full Planning Application	
Ward	Caledonian	
Listed building	No	
Conservation area	No	
Development Plan Context	Within 50m of Conservation Area	
Licensing Implications	None	
Site Address	Playground Between 92 And 94 Bride Street [Westbourne Estate Pitch], London, N7	
Proposal	Refurbishment of pitch to include artificial turf pitch, plus new entrance with ramp, cycle stands, associated fencing, lighting and renewal of safety surfaces to playground area.	

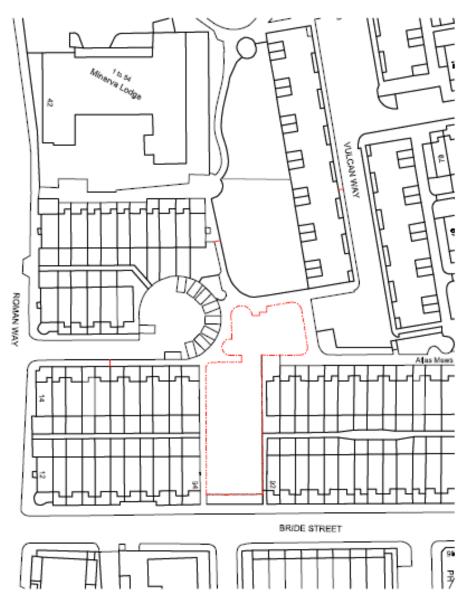
Case Officer	Joe Aggar	
Applicant	London Borough of Islington - Alex Sarson	
Agent	Paul Ruse	

# 1 RECOMMENDATION

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

- i) subject to the conditions set out in Appendix 1
- ii) and conditional upon the completion of a Director's Service Level Agreement securing the heads of terms set out in Appendix 1.

# 2. SITE PLAN (site outlined in black)



# 3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the playground between 92 and 94 Bride Street.



Image 2: Aerial photograph showing the playground between 92 and 94 Bride Street.



Image 3: View looking south towards Bride Street



Image 4: View looking north from Bride Street

# 4. SUMMARY

- 4.1 The proposal seeks planning permission for refurbishment works to the existing pitch and playground. The proposals include a new access ramp and hand rail, a new artificial 3G pitch, four 8m high lighting columns and Sheffield cycle hoops. The existing steel mesh fencing would be removed and specialist sport rebound fencing to a height of 4m plus two gates would be installed to the pitch area.
- 4.2 The existing bitumen and safety surfaces to the playground area would be replaced throughout and existing equipment cleaned and upgraded.
- 4.3 The main issues arising for the application relate to design and appearance; neighbouring amenity; landscaping, and trees.
- 4.4 The design layout and scale of the proposed development is considered acceptable and would not detract from the appearance of the streetscape.
- 4.5 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013 and the proposal is car free.
- 4.6 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

#### 5. SITE AND SURROUNDING

- 5.1 The site is located on what is known as the Westbourne Estate. The pitch fronts onto to north side of Bridge Street and is located between two, back to back, residential terraces. The site includes a playground area to the north which is used in conjunction with the pitch. The pitch is consists of a bitmac pitch surface and masonry walls with metal mesh fencing located above. There is passage way located to the east of the pitch which allows pedestrian access north.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing site is not statutorily listed nor is it located in conservation area.

# 6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission for refurbishment works to the existing pitch and adjacent playground. The proposals include a new access ramp and hand rail, a new artificial 3G pitch, four 8m high lighting columns. The surface area of the pitch would be reduced to accommodate step free access and new cycle stands. The existing steel mesh fencing would be removed and specialist sport rebound fencing 4m high, plus two gates installed to the pitch area.
- 6.2 The existing bitumen and safety surfaces to the playground area would be replaced throughout.
- 6.3 The existing play equipment and bench would be cleaned. The surrounding fencing would be painted green. These elements are not considered to require planning permission.
- 6.3 Revisions have been received which to improve access to the proposed pitch level.

6.4 The application has been referred to the planning sub-committee as this is a council own application.

# 7. **RELEVANT HISTORY**:

# **PLANNING APPLICATIONS:**

7.1 None

#### **ENFORCEMENT:**

7.2 None

#### PRE-APPLICATION ADVICEE

- 7.3 Pre-application Duty Meeting for 'proposed refurbishment of games pitch.'
- 7.4 In principle, the upgrading of the football pitch was considered acceptable. The issue that upgrading the facility would make it more attractive was raised and therefore will be more intensively used. This may have implications for adjacent residents, and their amenity will need to be safe guarded.
- 7.5 There was no objection to the relocation of the light column, and an additional light columns may be acceptable subject to these not affecting residents from light pollution. Details of the surfaces and the alterations to the fencing and walls surrounding the pitch were required. Also, details of times of uses and security measures when the pitch is not being used were required.

#### 8. CONSULTATION

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 260 adjoining and nearby properties at Bride Street, Roman Way, Vulcan Way, Atlas Mews and Davey Close.
- 8.2 A site notice displayed. Consultation expired on the 17th September 2015 however it is the Council's practice to continue to consider representations made up until the date of a decision. Members will be updated at committee of any additional responses received.
- 8.3 At the time of writing this report no objections have been received from the public with regard to the application.

#### **Internal Consultees**

- 8.4 **Tree Preservation Officer**: satisfied that the impact to the adjacent trees is minimal. There are no arboricultural reasons to object to the application.
- 8.5 **Environmental Health Officer**: no objection to new pitch lighting subject to relevant condition.
- 8.6 Access Officer: Raised concerns over regarding the single step which runs the length of the approach to the entrance to the pitch. Single steps are not acceptable under Building Regulations as they are considered to be a trip hazard rather than the ramp would it not be possible to grade the whole of the approach to the pitch to

provide a gently sloping approach. Route widths should be a minimum of 1500mm but preferably 1800mm which allows wheelchair users to pass each other – can the applicant please confirm route widths.

### **External Consultees**

8.8 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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

#### **Development Plan**

9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document (2013) and Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

# **Designations**

9.4 The site has is located within 50m of a conservation area.

# <u>Supplementary Planning Guidance (SPG) / Document (SPD)</u>

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:
  - Design and Appearance
  - Neighbouring Amenity
  - Accessibility
  - Trees
  - Highways
  - Directors Level Service Agreement

#### **Design and Appearance**

10.2 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive

- contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.3 The main external alterations would include the creation of an entrance area to allow ramped access and the installation of a handrail. The existing steel mesh fencing would be removed and a sports rebound fence fitted at pitch level. The overall height of this would reach 4m. However this would be installed at pitch level. As such this would reduce the overall impact of the fencing in terms of its visual impact. Moreover the top 1m is pointed inwards for practical reasons and would assist in reducing the sense of the overall height.
- Moreover the pitch would be resurfaced and four new lighting columns added. The playground surfaces would be replaced with a new coloured safety surface. The works would refurbish the area and the alterations are considered appropriate giving the existing use of the site and would not cause undue harm to the surrounding streetscape or terrace.
- 10.5 Given the above improvements to this aspect of the estate, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

# **Neighbouring Amenity**

- 10.6 The existing metal mesh fencing rises approximately 1.4m above the masonry wall on the west elevation. The new sports fencing would rise to a total height of 4m. However due to the change in the level of land, the pitch level at Bride Street end is set below ground level with a surrounding masonry wall. As a result, the fencing would read as 1.4m high including a 1m cranked top. The top 1m of the fencing would point inwards towards the pitch to deter balls from going over the fencing.
- 10.7 Bearing in mind the open nature of the proposed fencing and its overall height, it is not considered that the development would give rise to any material adverse impacts on adjoining resident's amenity levels in terms of loss of daylight/sunlight, increased enclosure or privacy concerns.
- 10.8 The overall design and scale of the proposed fencing and pitch itself are not considered to be excessive nor visually harmful. Therefore the view will inevitably change from these properties but it is not considered that these views will be harmed and it is considered that there will be no material loss of outlook to any adjoining properties in relation to the proposed development.
- 10.9 The site is considered to be in a more active use due to the refurbishment. However it is considered that the use of the area would not give rise to any substantial overlooking or loss of privacy of adjoining properties windows in this case.
- 10.10 The pitch is surrounded by residential properties, albeit the two terraced blocks have blank end walls facing the pitch. The proposal sets out a closing time of 21:30. However, the Council's Noise Officer raised concerns regarding the proposed hours of use, bearing in mind the proximity to residential dwellings, and the likely intensified usage of the pitch giving rise to noise such as shouting, ball impacts and whistles could have a detrimental impact on neighbouring amenity. It is therefore proposed to overcome this issue, subject to a condition, that the hours of use are restricted to 09:00-20:30 Monday to Friday, 10:00 to 18:00 Saturday and the site is not used at all

on Sundays and public holidays. On a recent similar application at New River College (P2015/1336/FUL) the same hours of operation were applied. In addition, a condition has also been proposed regarding a Noise Management Plan. This will ensure the applicant's consider the impact on neighbouring amenity and include measures for mitigating any identified impacts. Furthermore, the proposed fencing is specialist rebound fencing which reduces noise when a ball hits against it. This is secured by condition 9.

- 10.11 The light pollution from the proposed floodlights has also been assessed. The application includes a diagram from the lighting supplier with the Lux levels. This is a generic layout which doesn't include the residential nearby and the impact upon them. A condition is therefore proposed to review and resubmit the lighting assessment including these details and the predicted lux levels.
- 10.12 In addition, the times of the floodlights has also been reduced (by virtue of the new hours of operation). It is also noted that the restriction in the hours of operation until 20:30 all year round will mean the floodlights are mainly required during the winter months as during the summer period it will still be light during this time and the floodlights will therefore not be required.

#### Trees

10.13 The Tree Officer has reviewed the detail provided and is satisfied that the impact on the adjacent trees will be minimal. There are no arboricultural reasons to withholding planning permission.

# **Accessibility**

- 10.14 All developments are required to demonstrate that they provide for ease of and versatility in use; deliver safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone, and bring together the design and management of a development from the outset and over time. Planning applications need to meet the above criteria in order to be consistent with Policy DM2.2 of Islington's Development Management Policies.
- 10.15 The proposal has been designed, with amendments received, to show level access and sufficient width around the perimeter of the court to provide ease of use for people with mobility impairments ensuring the sports pitch is fully accessible and therefore complies with Development Management policy DM2.2.

## **Highways**

- 10.16 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. No parking is proposed and this will be ensured by condition.
- 10.17 The pitch is already in situ within the estate and the proposal is mainly for its refurbishment. The refurbishment works have been designed to meet the needs of the local community within the Westbourne Estate. In this regard it is expected that the vast majority of the users of the space will be from the immediate vicinity of the site and would come to the site on foot.

10.18 In any event there is the provision of four Sheffield cycle stands with the capacity for 8 bikes. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and the provision of secure and appropriately located cycle parking facilities in this instance is considered to facilitate this.

## **Directors' Level Service Agreement**

10.19 The refurbished sports pitch would be subject to a Community Use and Management agreement to ensure that the space is suitably managed and public access is guaranteed. This safeguard would also secure the appropriate management and long term use and intensity of the use of the sports space. It is considered that this agreement to provide these details coupled with controls on light levels and hours of operation would ensure that close by adjoining residents amenity levels would be safeguarded to an acceptable degree. This is secured through a Directors' Level Service Agreement which operates in a similar manner to a S106 Agreement.

# 11 SUMMARY AND CONCLUSION

## Summary

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

### Conclusion

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

# **APPENDIX 1 - RECOMMENDATIONS**

#### **RECOMMENDATION A**

That planning permission be granted subject to the prior completion of a Directors' Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration 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 or in their absence the Deputy Head of Service:

1. A Community Use and Management Agreement to ensure suitable management and community use.

#### **RECOMMENDATION B**

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

# **List of Conditions**

1	Commencement
	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).
	Approved plans list
	CONDITION: The development hereby approved shall be carried out in
	accordance with the following approved plans:
	IS065-LOC_001; Westbourne Estate MUGA Section Elevation A; Westbourne
	Estate MUGA Section Elevation C & D; Westbourne Estate MUGA Section
	Elevation B; Westbourne Estate MUGA Existing Site; IS065-GA-005;
	IS065_EAS_010.
	DEACON, To comply with Section 70/1) (a) of the Town and Country Act 1000
	REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990
l I	as amended and also for the avoidance of doubt and in the interest of proper planning.
	Materials
_	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:
	a) Samples of all boundary treatment
	b) Paving details;
	c) Details of proposed lighting;
	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.
	Hours of Operation
	CONDITION: The proposed all weather football pitch shall operate only between

	the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all
	on Sundays or Bank Holidays.
	REASON: To ensure that the proposed development does not have an adverse
	impact on neighbouring residential amenity.
5	Lighting Hours
	CONDITION: The Multi Use Games Area floodlighting shall be operated during
	the hours of 09:00-20:30 Monday to Friday and 10:00-18:00 Saturdays only.
	Usage within these hours shall be controlled by a photocell detector and timer
	switch.
	REASON: To ensure that any resulting general or security lighting does not
	adversely impact neighbouring residential amenity
6	Lighting
	CONDITION: No development shall take place until a report detailing the lighting
	scheme and predicted light levels at neighbouring residential properties has
	been submitted to and been approved in writing by the Local Planning Authority.
	Artificial lighting to the development must conform to requirements to meet the
	Obtrusive Light Limitations for Exterior Lighting Installations for Environmental
	Zone - E3 contained within Table 1 of the Institute of Light Engineers Guidance
	Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.
	REASON: To ensure that any resulting general or security lighting does not
	adversely impact neighbouring residential amenity.
7	Noise Management Plan
	CONDITION: A Noise Management Plan assessing the impact of the Multi Use
	Games Area shall be submitted to and approved in writing by the Local Planning
	Authority prior to the ball court use commencing on site. The report shall assess
	impacts during the operational phase of the ball court on nearby residents and
	other occupiers together with means of mitigating any identified impacts. The
	ball court shall be operated 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.
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	REASON: To ensure the proposal does not adversely impact on neighbouring
	residential amenity.
8	Drainage Strategy
	CONDITION: Details of a drainage strategy for a sustainable urban drainage
	system shall be submitted to and approved in writing by the Local Planning
	Authority prior to any superstructure works commencing on site.
	The Drainage Strategy shall include the following details:
	a) A drainage plan detailing the proposed method for disposing of surface water
	by means of appropriate sustainable drainage systems. The submitted details
	shall include the scheme's peak runoff rate and storage volume and
	demonstrate how the scheme will achieve no net increase in surface water
	runoff from the site post-development.
	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 sustainability.
9	Fencing CONDITION TO A SECOND
	CONDITION: The rebound fencing shall be installed and carried out in
	accordance with the details so approved and maintained as such thereafter.

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

# **List of Informatives:**

1	Positive statement
	To assist applicants in a positive manner, the Local Planning Authority has
	produced policies and written guidance, all of which is available on the
	Council's website. A pre-application advice service is also offered and
	encouraged. Whilst no pre-application discussions were entered into, the policy
	advice and guidance available on the website was followed by the applicant.
	The applicant therefore worked in a proactive manner taking into consideration
	the policies and guidance available to them, and therefore the LPA delivered a
	positive decision in accordance with the requirements of the NPPF.
2	Surface Water Drainage
	It is the responsibility of a developer to make proper provision for drainage to
	ground, water course or a suitable sewer. In respect of surface water it is
	recommended that the applicant should ensure that storm flows are attenuated
	or regulated into the receiving public network through on or off site storage.
	When it is proposed to connect to a combined public sewer, the site drainage
	should be separate and combined at the final manhole nearest the boundary.
	Connections are not permitted for the removal of groundwater. Where the
	developer proposes to discharge to a public sewer, prior approval from Thames
	Water Developer Services will be required. They can be contacted on 0800 009
	3921.
3	Signage
	Please note that separate advertisement consent application may be required
	for the display of signage at the site.
4	Service Level agreement
	Your attention is drawn to the fact that this grant of permission is subject to a
	Service Level agreement.
5	Highways
	- 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.
	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
	Approval of highways required and copy of findings and condition survey
1	document to be sent to planning case officer for development in question.

	<ul> <li>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</li> <li>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</li> <li>Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months' notice to meet the requirements of the Traffic Management Act, 2004.</li> <li>Development will ensure that all new statutory services are complete prior to footway</li> </ul>	
6	Hours of Working	
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.	
7	Building Regulations and Party Wall	
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.	

#### **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan polices 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 and NPPG are material considerations and have been taken into account as part of the assessment of these proposals.

# 2. **Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

## A) The London Plan 2015 - Spatial Development Strategy for Greater London

# 5 London's response to climate change

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

#### 6 London's transport

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.10 Walking

# 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 7.11 London View Management Framework

Policy 7.15 Reducing noise and enhancing soundscapes

use

#### 8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

# B) Islington Core Strategy 2011 Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's

Character)

**Strategic Policies** 

Policy CS9 (Protecting and Enhancing

#### Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

# C) Development Management Policies June 2013

**Design and Heritage** 

DM2.1 Design

**DM2.2** Inclusive Design

Housing

DM3.6 Play space

**DM3.7** Noise and vibration

Health and Open space

**DM6.1 Healthy development** 

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

space

**DM6.4** Sport and recreation

**DM6.6** Flood prevention

**Energy and Environmental** 

**Standards** 

**DM7.4** Sustainable design standards

**Transport** 

**DM8.1 Movement hierarchy** 

**DM8.2 Managing transport impacts** 

**DM8.3 Public transport DM8.4** Walking and cycling

Infrastructure

**DM9.2** Planning obligations **DM9.3** Implementation

# 5. <u>Designations</u>

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Within 50m of a Conservation Area

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

The following SPGs and/or SPDs are relevant:

# **Islington Local Plan**

- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

#### **London Plan**

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