

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 th November 2015	NON-EXEMPT

Application number	P2015/3194/FUL
Application type	Full Application
Ward	Clerkenwell
Listed Building	Grade II*
Conservation Area	New River
Development Plan Context	New River Conservation Area Finsbury Local Plan Bunhill and Clerkenwell Core Strategy Key Area Central Activities Zone With Mayor's Protected Views
Licensing Implications Proposal	None
Site Address	Land at Spa Green Estate, Ball Court Between Turnbridge House and Wells House, St John Street, London EC1R 4TT
Proposal	Alterations to existing multi use games area including resurfacing of games area, provision of new 3.57 metre fencing to outside of games area, alteration of the layout of games area, provision of new entrance into the games area and associated landscaping works (Council's Own Application)

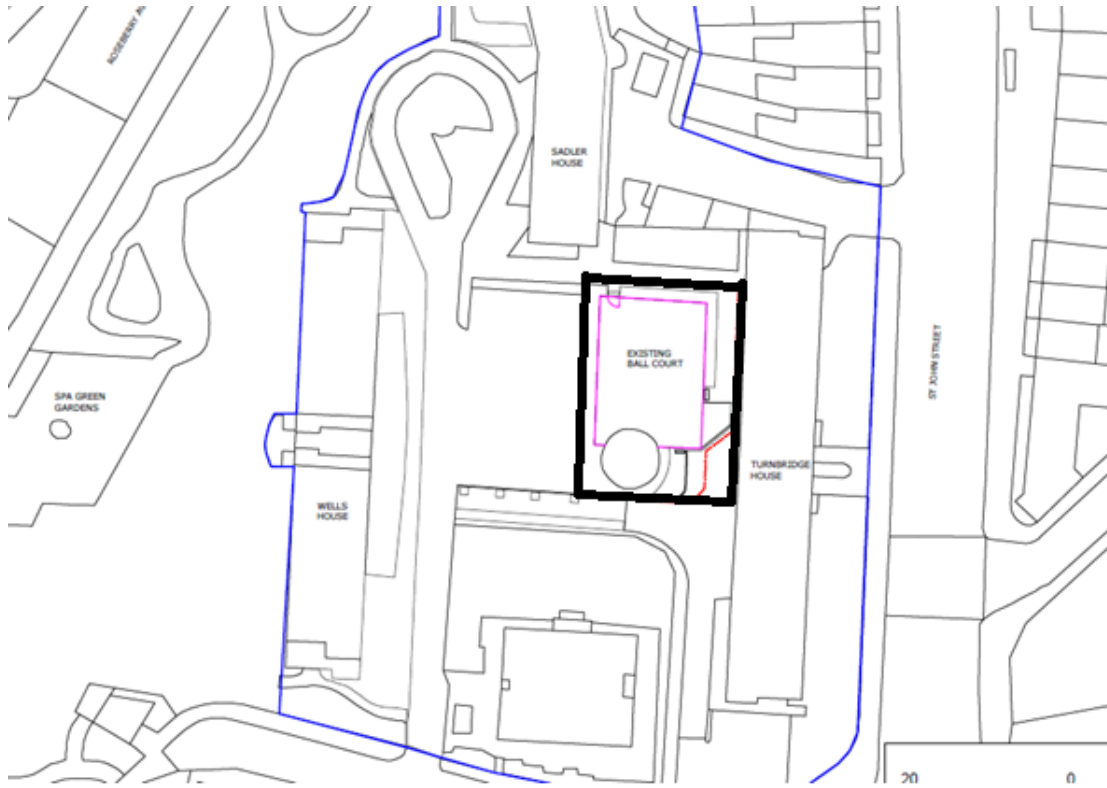
Case Officer	Duncan Ayles
Applicant	Islington Council Housing Department
Agent	Ben Dewhirst (Groundwork)

1. **RECOMMENDATION**

The Committee is asked to resolve to planning permission:

1. Subject to the conditions in recommendation A and conditional upon the prior completion of
2. A Directors' Level Agreement securing the heads of terms as set out in Appendix 1

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET

The Site



Image 1: Aerial view of the site

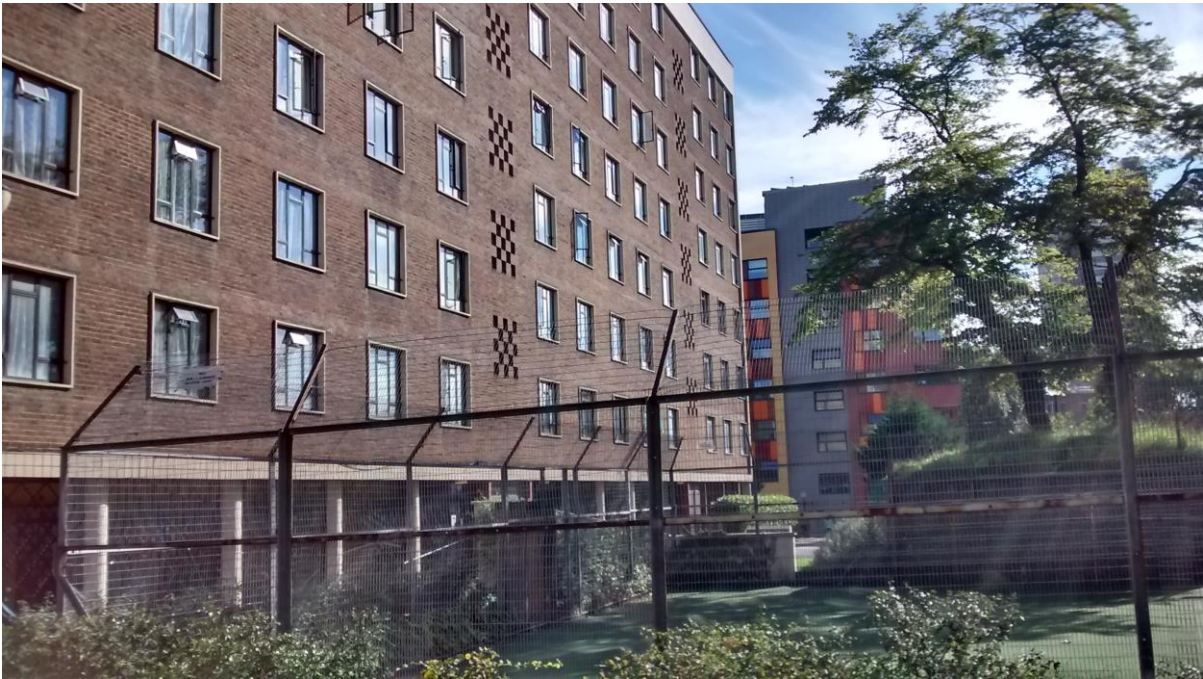


Image 2: View of the northern side of the MUGA



Image 3: View of existing MUGA from the west



Image 4: View of the south-western corner of the site including Tree

4 SUMMARY

- 4.1 The application is for the alteration of an existing multi use games area (MUGA) located within the Spa Green Estate, between Wells House and Turnbridge House. The application proposes to alter the design of the games area by creating a shorter, squarer pitch, and to replace the existing fencing with higher fencing. The application also proposes to landscape the area immediately adjacent to the south of the pitch, and to provide a new entrance into the games area from the east.
- 4.3 The spa Green estate is Grade II* listed, and was designed by Berhold Lubetkin, an important modern movement architect. The site is also located within the New River Conservation Area. The alterations proposed are not considered to harm the setting or character of the listed building or lead to any impact on neighbour amenity. The application does not require listed building consent, as it is not physically attached to the listed building. However, it is within the setting of the listed buildings.
- 4.4 Furthermore, the existing tree pit will not be altered. It is not considered that the health or amenity value of the tree would be reduced. The proposed alterations are not considered harmful to neighbouring amenity, including in terms of daylight and outlook, and also in respect of noise emission. No objections or comments have been received from the public consultation.

5 SITE AND SURROUNDING

- 5.1 The application relates to a MUGA situated within the Spa Green Estate between Wells House and Turnbridge House, to the west of St John Street. The court is located approximately 5 metres to the west of Turnbridge House, and is surrounded by 3.47 metre high metal fencing. The court is rectilinear, although the existing tree pit to south of the court cuts into the court area. The MUGA is one of a number of structures located within the estate between the Turnbridge House and Wells House, including a car park, estate office and nursery.
- 5.2 Although the existing MUGA is a prominent feature within the estate, due to its location between Wells House and Turnbridge House, the MUGA is not visible from outside of the estate itself from St John Street.

6 PROPOSAL (in Detail)

- 6.1 The application seeks approval for the shortening of the existing pitch by 3.3 metres to create a shorter pitch of the same width. The new area would exclude the existing tree pit. The application proposes to replace the existing fencing with 3.57 metre high dark green metal mesh fencing, and to create second entrance into the court on the eastern side of the pitch. The application proposes the erection of anti-vibration fencing surrounding the pitch. When a ball is kicked against this specialist fencing it does not make a loud noise.

6.2 The application also proposes to renew the existing surface with a synthetic turf and to install basketball hoops to the court, in addition to the existing football goals. The area immediately to the south of the MUGA will be landscaped with a new turf area and new shrub planting. The area to the south of the court will include hopscotch markings.

6.3 The height of the boundary fencing has been reduced following concerns raised by conservation officers regarding the impact on the setting of the listed buildings. The original height of fencing proposed was 3.85 metres and this has been reduced by approximately 30 centimetres to the current proposal of 3.5 metres.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 **871444:** Planning permission was granted for the erection of paladine storey, laying out of a car park and other landscaping alterations.

ENFORCEMENT:

7.5 None

PRE-APPLICATION:

7.6 None

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 130 nearby and neighbouring porpties at Sadler house, Turnbirdge House and Wells House. A site notice was also displayed. A reconsultation was undertaken on the 24th August, due to an inaccuracy in the original address, which referred to the Spa Field estate rather than the Spa Green Estate. The final reconsultation expired on the 1st October 2015. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 No objections, comments or letters of supports were received in response to the consultation.

Internal Consultees

8.3 **Design and Conservation:** The proposal is located on a sensitive site, as it is Grade II* listed. Therefore, the fencing surrounding the pitch should be kept as low as possible so that it does not impinge on views of the listed buildings.

8.4 **Tree Protection:** The trees on the site are located in a 2 metre high planter which will have restricted root ingress into the site and means that any

impacts from the re-landscaping will be minimal. I have no arboricultural objection to the application.

- 8.5 **Acoustic Officer:** The application is for the replacement of an existing pitch, and while it is appreciated that the sports pitch is currently in use, there have been a number of issues with refurbished MUGA and sport pitches, where this has led to an intensification of use.
- 8.6 On a recent application at New River College, hours of 0900 to 2030 and 1000 to 1800 Sunday were agreed. It is advised that the same hours of operation are imposed on this permission. It is also advised that a condition is imposed requiring the submission of a noise management plan is agreed prior to the improvement works occurring.

9 REVELANT 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 Practice Guidance 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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

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

- Design and impact on the special historic and architectural interest of the listed buildings and conservation area
- Impact on the amenity of neighbouring properties.

Principle of Development

- 10.2 Policy DM 6.4 supports applications which provide improved outdoor sport and recreation facilities. The proposal is in general conformity with this policy, as it will modernise the existing games area, improving the facilities available to residents and therefore increase the potential for sport and recreation. The proposal seeks to reduce the size of the pitch to allow the existing tree pit to be removed from the playing surface, as this currently impedes the use of the pitch. The alterations will allow the court to be used for basketball as well as football, and will also provide a hopscotch facility for younger residents in the estate.
- 10.3 The application is situated within a residential estate, and policy DM 2.1 seeks to protect the amenity of neighbouring properties in respect of the loss of light, outlook and privacy. Furthermore, DM 6.1 requires new development to contribute to the provision of healthy environments, including by limiting the emission of noise to noise sensitive locations such as residential properties.
- 10.4 The proposal is situated within the New River Conservation Area, and is situated within the Spa Green Estate, which is grade II* listed. Policy DM 2.3 and CS 8 requires new development to make a positive contribution to the preservation of heritage assets, including listed buildings and Conservation Areas. Specific guidance is provided within the New River Conservation Area guidance, and within the Spa Green Estate Management Plan, which

Design and Impact on the Character and Appearance of the Area

- 10.5 The proposal is situated within the Spa Green Estate, grade II* listed since 1998, as it is one of the most significant examples of post-war social housing development within London, and was designed by a leading architect and practice, Berthold Lubetkin and Tecton respectively. The area which is currently occupied by the MUGA was originally open landscaping until the 1980s, when the car parking and MUGA were installed.
- 10.6 The Council, as Local Planning Authority and freeholder of the site has adopted a management plan for the Spa Green Estate in conjunction with English Heritage. This provides specific criteria for alterations to the estate, including in respect of the landscaping within the site. The management plan describes the changes to the landscaping that occurred during the 1980s as 'quite damaging' and states that any strategy for improvement should seek to address this issue.
- 10.7 The proposal will reduce the floor area of the ball games area, which will increase the openness of the estate between Wells House and Turnbridge House and therefore reverse some of the damaging alterations to the

landscaping. This alteration is considered to be welcome on design and heritage grounds, as it improves the setting of the surrounding listed buildings.

- 10.8 The proposal will also require a slight increase in the height of the fencing from 3.47 metres to 3.57 metres, an increase of 10 centimetres, which equates to a 3% increase in height from the existing. The increase in height has been reduced from 3.85 metres to 3.57 metres following concerns raised by conservation officers regarding the impact on the setting of the listed buildings. This alteration is considered to be so small that it will not be noticeable from ground level, and will not materially reduce the open character of the existing site.
- 10.9 The impact on ground level views of the listed buildings themselves from within the estate will similarly not change in character. Furthermore, it is noted that the Management Plan confirms that the loss of landscaping has been harmful, the existing structures within the estate, such as the MUGA, have not detracted significantly from views of the listed buildings themselves.
- 10.10 The Council's Design and Conservation team have been consulted with respect to the application and have confirmed that the minor increase in the height of the boundary fencing is acceptable, and will not harm the setting of the listed buildings, or the Conservation Area.
- 10.11 Taken together, the proposals are considered to be acceptable on the grounds of the impact on the, setting of the listed buildings and the character and appearance of the New River Conservation Area. The proposal is therefore considered to be in accordance with policies DM 2.1 and 2.3 of the Development Management Policies 2013, CS8 and CS9 of the Core Strategy 2011 and the Spa Green Estate Management Plan.

Impact on the Amenity of Neighbouring Properties

- 10.12 The existing MUGA has been in situ for a number of years, and there are no planning conditions which limit the use of the court, including by limiting the times that the pitch can be used. The proposed works will improve the quality of the MUGA by providing a better playing surface and a more useable pitch.
- 10.13 The council's acoustic officer has stated that the improvement of similar pitches in the borough has led to intensification in the use of the pitches, and this has led to neighbour complaints regarding noise. The most recent complaint regarding the mis-use of the existing pitch dates from July 2013, when a gang of youth played football within the playground after midnight.
- 10.14 Given that the improvements to the quality of the MUGA are likely to result in the intensification of the use of the pitch and this could lead to increased impacts on the amenity of neighbouring properties, specifically in respect of noise through increased shouting, whistles and other noises associated with the pitch, it is considered reasonable to mitigate the impacts through the imposition of planning conditions, even though similar controls do not apply to the existing MUGA.

- 10.15 The acoustic officer has recommended that the hours of use are limited to between 0900-2030 Monday to Friday, 1000 and 1800 Saturday and not at all on a Sunday. An identical condition was imposed on a similar application at New River College (P2015/1136/FUL). The noise officer has also recommended that a condition is imposed requiring the approval of a Noise Management Plan. Furthermore, condition 8 requires anti-vibration fencing to be installed, which will assist in reducing noise impacts to the surrounding area.
- 10.16 The boundary fencing to the court is located 5 metres from the western elevation of Turnbridge House, and the ground floor of this block is recessed slightly. The proposed increase in the height of the fence is not considered to be sufficient to lead to any adverse impact on the amenity of the properties at Turnbridge House in respect of the loss of daylight, sunlight, outlook or increase sense of enclosure. Unlike other MUGA applications, such as New River College and Bride Street, the application does not propose to install new floodlighting and therefore there is no concern with regard to light pollution.
- 10.17 The proposed works are therefore considered to lead to an acceptable impact on the amenity of neighbouring properties, provided that appropriate planning conditions are imposed, and are considered to be in accordance with policies DM 2.1 and DM 6.1 of the Development Management Policies 2013.

Trees and Landscaping

- 10.18 The tree pit adjacent to the games area contains a large tree. Although the tree is not protected by a Tree Preservation Order, it is protected by virtue of being situated within a conservation area.
- 10.19 The proposal does not require the alteration of the existing tree pit, although it will be removed from the pitch. The Council's Tree Preservation Officer has been consulted with respect to the application, and has confirmed that the existing tree pit would have limited the root growth of the tree, and therefore the works outside of the tree pit would not lead to any adverse impact on the health of the tree. The proposal is therefore considered to be in accordance with policy DM 6.5 of the Development Management Policies 2013.
- 10.20 The proposal includes a landscaping scheme around the court, including details of shrub planting. The landscaping scheme is considered to be acceptable, and will contribute to an improvement in biodiversity within the area in accordance with policy DM 6.5 of the Development Management Policies 2013.

Surface Drainage

- 10.21 The proposals entail the addition of new soft landscaping within some parts of the existing ball court. Therefore, the proposal will reduce the overall quantum of hard landscaping within the area, and will increase the extent of ground infiltration by water. The proposal is therefore considered to be acceptable,

and in accordance with policy DM 6.6 (Flood Prevention) of the Development Management Policies 2013.

Directors' Service Level Agreement

- 10.22 The new sports pitch would be subject to a Community Use and management agreement to ensure that the space is suitably managed. This safeguard would protect neighbour amenity, and secure the long term use at an appropriate intensity. This is approved by a Directors' Agreement which operates in a similar way to a section 106 legal agreement.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal would not result in any adverse impact on the setting or special architectural interest of the listed buildings, and conservation area. The proposal would also not harm the amenity of neighbouring properties including in terms of the loss of light, outlook or through increased noise emission.

Conclusion

- 11.2 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).
2	Approved plans list CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: [Design and Access Statement, IS060_006, IS060_001 Location Plan, IS060_003, IS060_002, IS060_005, Photograph Sheet] 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 CONDITION: The development shall be constructed in accordance with the schedule of materials noted in part 9 of the application form and on the drawings. 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.

	Trees
4	<p>TREE RETENTION AND REMOVAL (COMPLIANCE): No consent is hereby granted for the removal of any trees within the site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
	Landscaping
5	<p>LANDSCAPING: Prior to the first use of the new ball court hereby approved, the landscaping scheme shown on the drawings IS060_003 and described within the Plant Schedule shall be implemented.</p> <p>REASON: In order to safeguard the character and appearance of the area.</p>
6	Hours of Operation
	<p>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.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
7	Noise Control Measures
	<p>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 commencement of the development hereby approved. 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.</p> <p>REASON: To ensure that existing residential amenity is maintained.</p>
	Anti-Vibration Fencing
8	<p>CONDITION: The fencing hereby approved surrounding the MUGA shall be anti-vibration fencing.</p> <p>REASON: In order to ensure that existing residential amenity is maintained.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. 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.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations 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 2015, 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 2015 - Spatial Development Strategy for Greater London

1 Context and strategy

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

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

Policy CS9 (Protecting and Enhancing Islington's built and historic environment)

C) Development Management Policies June 2013

Policy DM 2.1 (Design)

Policy DM 2.3 (Heritage)

Policy DM 6.1 (Healthy Development)

Policy DM 6.4 (Sport and Recreation)

Policy DM 6.5 (Landscaping, trees and biodiversity)

Policy DM 6.6 (Flood Prevention)

3. Designations

New River Conservation Area
Grade II* Listed

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

The following SPGs and/or SPDs are relevant:

- Spa Green Estate Management Plan
- New River Conservation Area Design Guidelines