

# 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 A</b>		
<b>Date:</b>	23 February 2016	Non-Exempt

Application number	P2015/2190/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Unlisted
Conservation area	Abuts the St Mary Magdelene Conservation Area
Development Plan Context	Abuts Conservation Area
Licensing Implications	None
Site Address	Land At Ringcross Estate South Of Ringcross Estate Georges Road London N7
Proposal	Conversion of the fenced off greenspace fronting George's Road on Papworth Gardens Estate into a new ballcourt enclosed with a 4.5m high rebound fence.

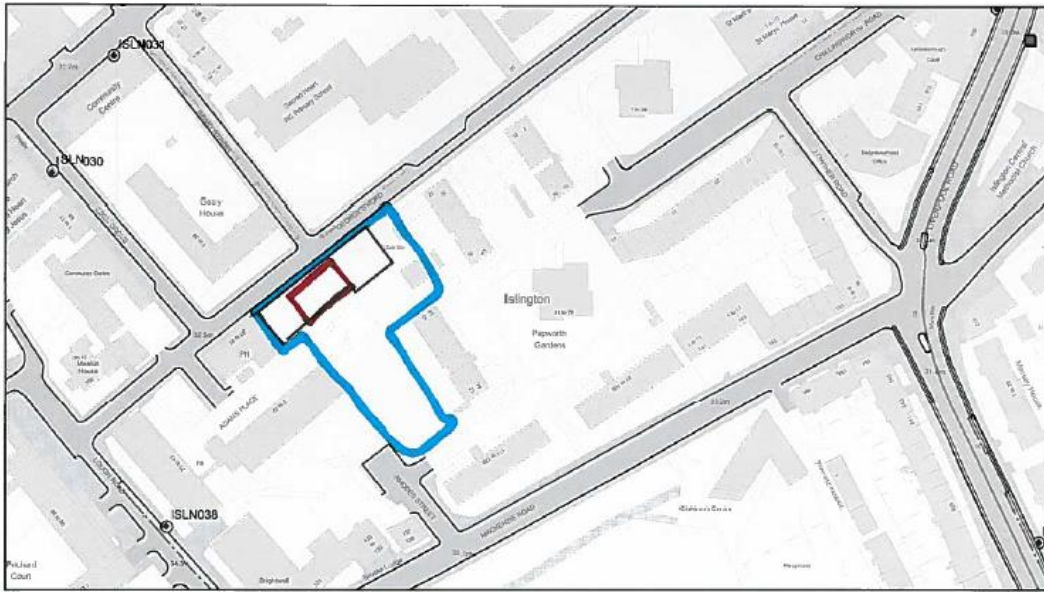
Case Officer	Sandra Chivero
Applicant	Miss Lara Ellington-Brown LBI
Agent	None

## 1. RECOMMENDATION

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

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

## 2. SITE PLAN (site outlined in black)



## 3. PHOTOGRAPHS



Image 1: View of existing open space from George's Road





Image 2: View of existing site looking down George's Road to the east



Image 3: View of site from rear (towards George's Road).

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the conversion of under used greenspace fronting George's Road into playspace offering multi-sports use. The proposal will create a multi-games area which will provide onsite amenity for the local residents and the local community. Subject to conditions relating to hours of use the proposal is considered not to have a detrimental impact on the amenity of nearby residential properties.
- 4.2 It is also considered that the proposed scheme will provide an appropriate and beneficial play space that will not detract from the character and appearance of the streetscene and the abutting St Mary Magdalene Conservation Area.
- 4.3 The application is brought to committee because it is a Council own application.

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

- 5.1 The application relates to the Papworth Gardens Estate and an area of open greenspace sited alongside George's Road next to an existing play area. The area is currently fenced off.
- 5.2 The site abuts St Mary Magdalene Conservation Area to the north. The immediate surrounding area is predominantly residential in character.

#### **6. PROPOSAL IN DETAIL**

- 6.1 The proposal is to install a tarmac ball-court in place of unused greenspace fronting George's Road and carryout associated landscaping. The greenspace is 7m x 15m (105sqm total area) and is fenced off with broken 3m high fencing.
- 6.2 The ball-court would be 10m long by 5.7m wide (57sqm total area) and would be surrounded by a 4.5m high steel rebound fencing with rubber sound dampeners. The tarmac will be 50mm thick porous asphalt over a 200mm MOT type 2 sub-base. The court will also incorporate football and basketball markings.
- 6.3 The ball-court will be accessed from George's Road as well as the greenspace to the south-eastern side and will be used by the residents and local community. The fencing to the ball court would be set in 2m from the retained existing boundary wall and handrail to the George's Road frontage. Roses and climbers would be planted within the gap. The ball-court would take-up 54% of the greenspace and the remainder of the space would be used to create a small community orchard. The orchard is not a part of the application site and does not require planning permission.
- 6.4 The adjacent existing play area with two-pieces of equipment would be retained but the fencing, rubber surface and edges would be removed. The surfacing, edgings and internal fence to the abandoned old toddler area would be removed. The existing path leading from to the playspace would be

removed. This is also not a part of the application site and does not require planning permission.

## **6. RELEVANT HISTORY:**

6.1 None

## **7. CONSULTATION**

### **Public Consultation**

7.1 Letters were sent to occupants of total of 220 adjoining and nearby properties at Papworth Garden's, Claringbull Court, Eden Grove, Geary House, Meakin House, Adams Place, Papworth Gardens, George's Road, Charrington Court, Lough Road and Chillingworth Road on 26 October 2015. A site notice and a press advert were displayed on 29 October 2015. The public consultation of the application therefore expired on 19 November 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report no objections have been received.

### **Internal Consultees**

7.3 **Tree Preservation / Landscape Officer:** Stated that the application will have limited impact upon the existing and retained trees. No trees are proposed for removal and the hard and soft landscaping is of a distance that the trees should remain relatively unaffected. The Officer therefore has no arboricultural reason to recommend refusal.

7.4 **Pollution Control:** *The Acoustic Officer* highlighted that there has been a number of problem sites where new ball court/football pitches have been built, with the noise of operation and management issues with kids accessing the pitch out of hours.

7.5 It is stated that whilst there are no details on the hours of use, the plans do not appear to have any lighting at all. The Acoustic Officer therefore has no objection in this case, provided the hours and management plan conditions are applied.

### **External Consultees**

7.6 None

## **8. 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**

- 8.1 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.
- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

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

### **Designations**

- 8.4 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:

- None

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

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

## **9. ASSESSMENT**

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

- Land use
- Impact on street-scene
- Landscaping and Trees
- Neighbouring Amenity

### **Land Use**

- 9.2 It is proposed to create a ball court offering multi-sports use in place of underused greenspace. This will create a multi games area (MUGA) which will provide onsite amenity for the local residents and the local community. The ball-court will take up 54% of the overall disused greenspace which is currently fenced off and not accessible and the remainder will be used as a community orchard and open space. The orchard is not part of the planning application and does not require planning permission.

- 9.3 The proposal will also modernise the existing play area, improving the facilities available to residents and therefore increase the potential for sport and recreation. Overall, a ball-court is considered acceptable in principle at this location and would be in accordance with policy DM6.4 which seeks provision of improved outdoor sport and recreation facilities.
- 9.4 The ball-court would also accord with policy DM6.1 which 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.

### **Design, Heritage and Conservation Issues**

- 9.5 The proposal is to install a tarmac ball-court in place of a fenced off and disused greenspace fronting George's Road and carryout associated landscaping. The greenspace is 7m x 15m (105sqm total area) and is fenced off with broken 3m high fencing. The ball court would be 10m long by 5.7m wide (57sqm total area) deep and would be surrounded by 4.5m high steel fencing. The tarmac will be 50mm thick porous asphalt over a 200mm MOT type 2 sub-base. The ball-court will be accessed from George's Road as well as the greenspace to the southeastern side and will be used by the local residents and local community. The fencing to the ball court would be set in 2m from the retained boundary wall and handrail to the George's Road frontage. Roses and climbers would be planted within the gap between the retained existing boundary wall to along George's Road and the fencing to the ball court. The ball court would take-up 54% of the existing greenspace and the remainder of the space would be used to create a small community orchard. As stated above the orchard is not a part of the current planning application and does not require planning permission. The adjacent existing play area with two-pieces of equipment would be retained but the fencing, rubber surface and edges would be removed. The surfacing, edgings and internal fence to the abandoned old toddler area would be removed. The existing path leading from to the playspace would be removed. This is also not a part of the application site and the works do not require planning permission.
- 9.6 The removal of the broken fence is welcome and is considered to enhance this section of George's Road and the estate. Due to design and appearance the fencing to the new ball court is considered not to detract from the streetscene. In addition, due to its open nature, the 4.5m high fence which would stretch 10m along George's Road is considered to maintain the open character of the site as the rest of the greenspace site would not be fenced with 4.5m high fencing. The refurbishment works as well as the landscaping works and the provision are considered to enhance the appearance of the area and would create a more inviting and usable space for the local residents.
- 9.7 Taken together, the proposals are considered to be acceptable and would not significantly harm the character and appearance of the streetscene and the

abutting Conservation Area. The proposal is therefore considered to be in accordance with policy DM2.1 of the Development Management Policies 2013, CS8 and CS9 of the Core Strategy 2011.

### **Trees, Landscaping and Sustainability**

- 9.8 There are three existing trees in close proximity to the new ball court area. The submitted details make it clear that all the trees will be retained and protected.
- 9.9 No trees are proposed for removal and the hard and soft landscaping is of a distance that the trees should remain relatively unaffected. The proposed works are considered to have limited impact upon the existing and retained trees. The Tree Preservation/ Landscaping officer does not object to the scheme.
- 9.10 It is not therefore considered that the proposal will have a detrimental impact upon the amenity and ecological value of the location.

### **Neighbouring Amenity**

- 9.11 The application site is situated within a residential estate and the nearest residential properties are located 3m away. These nearest residential properties at nos. 83 to 91 do not have any windows directly facing the ball-court.
- 9.12 The Acoustic Officer highlighted that there has been a number of problem sites where new ball court/football pitches have been built, with the noise of operation and management issues with kids accessing the pitch out of hours.
- 9.13 The proposal will introduce public access to a currently fenced off and inaccessible space. However given the nature of the garden space and its limited size it is considered that this will not lead to unacceptable noise intrusion. In addition, the rebound fence would incorporate rubber sound dampeners. This is considered to minimise noise disturbance from the ball court. In addition, there is no lighting proposed to the ball court this is considered to restrict the hours of use particularly in the winter months.
- 9.14 Notwithstanding this a noise condition restricting opening hours and a condition requiring the submission of a management planning have been attached as recommended by the Acoustic Officer.
- 9.15 The proposal is also considered not prejudice the amenity of neighbouring residential properties in respect of loss of light, outlook and privacy inline with policy DM2.1.
- 9.16 Whilst the loss of a proportion of the existing soft landscaping and biodiversity for the MUGA is regrettable, a substantial section (45%) would be retained for use as a community orchard. In addition, the MUGA would provide onsite amenity space for the local residents and the local community and would bring a disused open space back into use.



## **Directors' Service Level Agreement**

- 9.17 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.

## **10. SUMMARY AND CONCLUSION**

- 10.1 The proposal would not result in any adverse impact on the abutting 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**

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

### **Summary**

- 10.3 The proposed multi use games area would provide much needed recreational facilities for the local residents and wider community. In addition, proposal has been sympathetically designed and would not have a detrimental impact on the character and appearance of the property and wider site or wider locality.
- 10.4 The proposed development is considered to be acceptable with regards to the land use, detailed design, neighbour amenity, transport and highways, accessibility and Section 106.
- 10.5 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

## 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

<b>1</b>	<b>Commencement</b> 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).
<b>2</b>	<b>Approved plans list</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Site Plan, Location Plan, Existing Plan, Proposed Masterplan, Existing Elevation/ Proposed Elevation, Existing/ Proposed Sections, Aerial View of application site, Street view of application site.  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.
<b>3</b>	<b>Materials</b> 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.

	<b>Trees</b>
<b>4</b>	<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>
	<b>Landscaping</b>
<b>5</b>	<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>
<b>6</b>	<b>Hours of Operation</b>
	<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>
<b>7</b>	<b>Noise Control Measures</b>
	<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>
	<b>Anti-Vibration Fencing</b>
<b>8</b>	<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:**

<b>1</b>	<b>Positive statement</b>
	<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</p>

	therefore the LPA delivered a positive decision 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.

### **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**

- Within 50m of the St Mary Magdalene Conservation Area

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

The following SPGs and/or SPDs are relevant:

- Islington Urban Design Guide