

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision <b>Ref No:</b> PA/09/2548	
<b>Case Officer:</b> Nasser Farooq		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Multi Storey Car Park, Selsdon Way, London  
**Existing Use:** Car park.  
**Proposal:** Construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park.  
**Drawing Nos:** AP02 A, QAP03A, AP04 B, AP05B, AP06B, AP07B, AP08A, Travel Plan E/208233, Design and Access Statement, Planning Statement and Environmental Noise Assessment.  
**Applicant:** Powerleagues Fives LTD  
**Owner:** National Car Parks LTD, Bishopsgate Parking No.2 LTD and City Harbour Management Co. LTD.  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The re-use of the car parking building for five-a-side football pitches would provide a new leisure facility for both the local community in an area which has an open space deficiency and has been identified as requiring new leisure facilities. This accords with policy CP27 of the Interim Planning Guidance October 2007 which states that proposals for new leisure facilities must be designed and located to serve the diverse needs of the borough and policy SP03(4) of the Core Strategy Submission Document December 2009 which identified Cubitt Town as an area requiring new and improved leisure facilities.
- 2.3 Subject to conditions, the impact of the development in terms of outlook, privacy, noise and light pollution is considered appropriate in relation to the residential amenity of adjacent properties. This is in line with saved policies DEV1 and DEV2 of the adopted Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 Subject to conditions transport matters, including parking, access and servicing, are

acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Hours of operation
3. Green travel plan
4. Retention of the proposed 22 cycle spaces
5. Full implementation of mitigations recommendations for noise
6. Restriction in the level of lux of the roof lighting
7. Service management plan including refuse collection plan
8. Schedule of highway works
9. In accordance with the approved drawings
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. Section 278 (Highways) agreement required.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 Construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park.

#### **Site and Surroundings**

- 4.2 The site is an eight level car park located in the Isle of Dogs.
- 4.3 The NCP car park is bounded to the east by the DLR railway line, with Crossharbour DLR Station to the north of the site. Parallel to the DLR railway is East Ferry Road, which provides the access route to the car park via Selsdon Way.
- 4.4 The immediate area is a mixture of residential and business uses. Further east of East Ferry Road is the ASDA Superstore.

- 4.5 To the south west of the proposal site is the City Harbour residential development, which is located approximately 53m from the application site. City Harbour is a riverfront residential development up to eight storeys in height built as part of the LDDC regeneration of the Docklands in the 1980s and 1990s.
- 4.6 To the east of the site is located the Merchant House (also known as the Northern And Shell Tower). This building is up to eight storeys in height and is designated for office use.
- 4.7 To the north of the site is Lanark Square, which is a cul de sac type, modern development, of which Marina Point and Aegon House are the nearest residential buildings around 25m and 40m north of the car park respectively. They are separated from the site by Selsdon Way Road.
- 4.8 Marina Point is four storeys in height and Aegon House is larger in size at 8 storeys.
- 4.9 Further north of Lanark Square is the former London Arena Site, which is currently under construction for eight buildings ranging from 7 to 43 storeys to provide 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway.
- 4.10 South of the proposal site is a row of commercial buildings which are accessed from Selsdon Way and overlook the DLR railway to the east.

### **Planning History**

- 4.11 Planning application PA/09/01270 for the same proposal as this application was withdrawn on 10/09/2009. The application was withdrawn due to concerns raised by Environmental Health regarding noise and light pollution resulting from the proposed facilities.
- 4.12 This proposal is a revised application seeking to overcome the initial concerns raised by Environmental Health.

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### **5.2 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise

### **5.3 Spatial Development Strategy for Greater London (London Plan) February 2008**

Policies	3C.1	Integrating transport and development
	3C.3	Sustainable transport in London
	3C.22	Improving conditions for cycling

3C.23	Parking Strategy
4B.1	Design Principles for a compact city
4B.3	Maximising the potential of site
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

#### 5.4 Unitary Development Plan (UDP)(as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	HSG15	Residential amenity.
	T16	Impact of Traffic

#### 5.5 Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP40	A sustainable Transport Network
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV15	Waste and Recyclables Storage.
	DEV16	Walking and Cycling routes and facilities
	DEV17	Transport Assessment
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
DEV21	Flood risk management	

#### 5.6 Core Strategy Local Development Submission Document December 2009

SP03(4)	Leisure Facilities
SP09(4)	Parking

#### 5.7 Core Strategy Evidence Documents

Baseline Report Green Grid Strategy for Tower Hamlets September 2009  
 Tower Hamlets Retail and Leisure Study Final Report January 2009  
 Tower Hamlets Capacity Assessment Baseline Report August 2009

#### 5.8 Community Plan: The following Community Plan Objectives relate to the application.

A better place for living safely  
 A better place for living well

### 6. CONSULTATION RESPONSE

#### 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

## **LBTH Highways**

- 6.2 Further information is requested for the amount of parking spaces occupied for local companies within the remainder of the car parking building. **(Officer Comment:** *The parking building would retain 327 parking spaces. Given the level of vacancy in the building at present, it is not considered that it is necessary to know the actual ownership allocations for the other levels of car parking in the building. This application solely relates to levels 5B to 7B and as detailed within paragraph 8.85 of the report the loss of the car parking spaces is in accordance with planning policy).*
- 6.3 Surveys at the entrance / exit to the car park should be undertaken in order to establish the base scenario. **(Officer Comment:** *The proposal results in the loss of existing car parking on site, as such it is considered that any vehicle trips on the site would decrease as a result of the proposal. Therefore, further studies are not considered necessary on this point).*

## Trip Generation

- 6.4 A vehicle trip generation exercise has been undertaken. A full multi-modal trip assessment is required in line with DfT and TfL Transport Assessment guidance.
- 6.5 As there are other 'Powerleague' sites, it is considered that trip rates should be based on surveys of other sites which are located in similar surroundings. This is often the best approach as it is site specific. **(Officer Comment:** *The expected patronage of the site would be similar to other sites in proximity to a Central Business District like Canary Wharf. Therefore, the example provided from the City of London at Liverpool Street Station is considered appropriate and relevant to the proposals at hand).*

## Impact Assessment

- 6.6 The site operates and experiences its peak usage outside of the hours of parking control both on public highway and within the City Harbour Controlled Parking Zone. Hence, any potential future impact on local amenity needs to be addressed with adequate measures in place. **(Officer Comment:** *The applicant has provided a parking assessment which identifies that the impact on the controlled parking zone and other areas around the site is acceptable. It is therefore unlikely that significant problems are to occur. However, to ensure that this is the case a Travel Plan condition is recommended to allow the Council to undertake further monitoring and secure mitigation should specific problems be identified).*
- 6.7 Normally a parking stress survey would be undertaken corresponding with the times of peak operation. This data would be provided alongside plans, associated with each time period, showing on-street parking control and locations of space capacity. **(Officer Comment:** *As stated above the existing parking assessment is considered appropriate and a travel plan condition would be secured to ensure that the centre is monitored once open).*
- 6.8 An assessment / audit of the current facilities surrounding the site need to be undertaken (e.g. crossing facilities, footways, surfacing, public transport infrastructure). This is important in establishing areas for potential improvement. **(Officer Comment:** *Given the size and nature of the proposal such an assessment is not considered necessary and is an assessment that should actually be undertaken by the Highways Authority not the applicant).*

### Parking

- 6.9 No specific parking is proposed to be provided on-site. In general, this would be acceptable in line with the implementation of a Travel Plan. It is considered that disabled parking be provided on site (**Officer Comment:** *The applicant has advised that there are existing disabled parking spaces in the parking building which would continue to be utilised for this purpose*).
- 6.10 The onus is on the applicant to demonstrate that there shall not be a detrimental impact on the local amenity as a result of the development. It is considered that the 'Powerleague' sites located in Liverpool Street and Old Street are not comparable to the application site. (**Officer Comment:** *The expected patronage of the site would be similar to other sites in proximity to a Central Business District like Canary Wharf. Therefore, the example provided from the City of London at Liverpool Street Station and Old Street is considered appropriate and relevant to the proposals at hand as there patronage is based on a Central Business District*).

### Coach and Mini-Bus Parking

- 6.11 Policy requires that full consideration be given to accommodating Coach / Minibus parking. This needs to be fully addressed. Information on the operation of other 'Powerleague' sites in relation to this should be provided. (**Officer Comment:** *The applicant has confirmed that minibus/ coach services are not normally utilised at power league sites that service commercial areas*).

### Cycle Parking

- 6.12 22 cycle spaces are proposed with access from street level via the lifts. Policy requires a minimum of 1 per 10 staff plus 1 per 20 peak period visitors. Further information is sought before accepting this level. (**Officer Comment:** *Refer paragraph 9.12-9.15 for discussion on this point*).
- 6.13 Details of cycle parking facilities, location, maintenance and its retention should be conditioned. Cycle parking facilities should be provided in an accessible, well-lit, safe, sheltered and secure location. (**Officer Comment:** *A condition to this effect has been recommended*).

### Servicing

- 6.14 A Service Management Plan (SMP) should be provided detailing fully how servicing of the site is to be provided for all uses proposed. A Service Management Plan (SMP) can be conditioned. (**Officer Comment:** *A condition to this effect has been recommended*).

### Travel Plan

- 6.15 A Travel Plan should be conditioned as part of approval and should cover all of the uses proposed. (**Officer Comment:** *A condition to this effect has been recommended*).
- 6.16 The Highways department have also requested a condition requiring the developer to enter into a 278 agreement for works onto the Highway. (**Officer Comment:** *A condition to this effect has been recommended*).

### **LBTH Environment Health**

- 6.17 The Environmental Noise Assessment Report for Powerleague by Sharps Redmore Partnership dated 5th November 2009 has been reviewed.
- 6.18 The most sensitive facades of Marina Point, Aegon House and City Harbour have been undertaken in terms of PPG 24, BS 8233:1999 and World Health Organisation guideline values.
- 6.19 The predicted levels for WHO guideline values in the noise report are acceptable. **(Officer Comment: Refer paragraph 8.53-8.55 of this report)**
- 6.20 The mitigation of impact/peak noise in the noise report is considered acceptable. **(Officer Comment: Refer paragraph 8.48-8.51 of this report).**
- 6.21 The traffic noise impact as a result of the proposed activities should be imperceptible and therefore have no adverse effect.
- 6.22 The summary, conclusions and recommendations of the submitted noise report are considered to be acceptable.
- 6.23 Environmental Health have no further objections provided all the recommendations identified in the noise report are applied as planning conditions to mitigate any possible noise nuisance to local residents. **(Officer Comment: These recommendations are recommended to be secured by condition and are discussed further at paragraph 8.56-8.57 of this report).**
- 6.24 Following review of the objections relating to the noise and light pollution further comments were sought from Environmental Health. The Environmental Health Officer responded as follows:
- 6.25 The Councils Environmental Health officer visited the site on the 15<sup>th</sup> October 2009 and again on the 30<sup>th</sup> October 2009. Following the site visit the following additional mitigation measures (detailed below) were requested to ensure that there was no adverse noise or light pollution impacts from the proposed use.
- 6.26 i) A 2 metres high barrier be incorporated in the northern/southern ends to further mitigate the noise.
- 6.27 ii) The louves in the north/south should be enclosed internally with a solid continuous barrier to further mitigate the noise.
- 6.28 iii) Neoprene strips to be installed behind the kick board to reduce the ball impact noise.
- 6.29 iv) No referees whistles to be used on the top floor pitch.

#### **LBTH Environment Agency**

- 6.32 There is no objection as the proposal has a low risk.

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 214 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The

application has also been publicised on site and in the East End Life.

The site notices were installed in the following locations on 23<sup>rd</sup> December 2009 by officers:

1. Outside the NCP car park;
2. The gates serving the City Harbour development; and
3. The entrance to Lanark Square adjacent to Woodchester House, opposite Marina House.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 44      Objecting: 43      Supporting: 0  
No of petitions received: 1 (against containing 73 signatories).

7.2 The following issues were raised in representations that are material to the determination of the application. They are addressed in the next section of this report:

- Noise disturbances and hours of operation (*see discussion of this issue at paragraphs 8.42-8.58 of this report*).
- Impact on visual amenity (*see discussion of this issue at paragraphs 8.59-8.64 of this report*).
- Light pollution (*see discussion of this issue at paragraphs 8.59-8.64 of this report*).
- Use of the function room as a licensed premises (*see discussion of this issue at paragraphs 8.67-8.69 of this report*)
- Increased vehicular activity, traffic noise and parking issues (*see discussion of these issues at paragraphs 8.70-8.88 of this report*)

7.3 The following further issues were raised in representations, and are addressed as follows:

7.4 Lack of job creation for local people (**Officer comment:** *With any proposal that includes the creation of employment floor space it is possible that local people would be employed on site. As such there is certainly the potential for job creation for local people. However, the planning system cannot demand this from an applicant and a reason for refusal on this basis cannot be substantiated.*)

7.5 Economic Competition (**Officer comment:** *This is not considered a relevant consideration for this application*).

7.6 Increase in anti-social behaviour (**Officer comment:** *This issue is typically not a planning issue as demonstrated by case law. However, given the nature and size of the proposal and the hours of operation it is considered unlikely that anti-social behaviour would result*).

7.7 Decrease in property value (**Officer comment:** *This is not considered a relevant consideration for this application*).

7.8 Additional 6 pitch: (**Officer comment:** *the current application is for five pitches. Any additional pitches proposed in the future would be subject to a separate planning application and full planning public consultation*)



- 7.9 Inadequate consultation period: (**Officer comment:** 220 consultation letters were sent to owners/occupiers on 14th December 2009. These gave residents until 5<sup>th</sup> of January 2010 to make representations. Given the consultation period was over the holiday period the case officer decided to delay the site notices until 23<sup>rd</sup> December 2009 which automatically extended the consultation period until 15<sup>th</sup> January 2010. This effectively gave a one month consultation period for the application and is considered to be an acceptable level of consultation which is longer than the statutory requirements)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:

Land Use  
Design  
Highways  
Amenity

### **Land Use**

- 8.2 The subject site is unallocated in the Unitary Development Plan 1998 (UDP) or in the Interim Planning Guidance October 2007 (IPG).
- 8.3 The key consideration the consideration is whether the change of use of the upper three storeys of the NCP car park to five, five-a-side football pitches is considered acceptable.
- 8.4 The provision of open space is one of the major challenges to an inner city borough like Tower Hamlets. Consequently, the provision of new usable open space and leisure facilities needs to be created by innovative solutions such as re-using redundant land and buildings.
- 8.5 Policy CP27 of the IPG states that proposals for new leisure facilities must be designed and located to serve the diverse needs of the Borough. The policy identifies that the Council is committed to ensuring the adequate provision of new social and community facilities to support the needs of an increased population.
- 8.6 Based on the existing population the Isle of Dogs area currently has an open space deficit of 25ha. Given the approvals coming forward within developments in the London Arena, Millennium Quarter and Marsh Wall this figure would only rise. This highlights that the demand on the existing open space is high and the Council needs to be creative in meeting this challenge. Whilst, it is noted that the scheme does not provide a typical public open space, but rather private football facilities this would play an important role in reducing the demand placed on the existing open spaces in the local area.
- 8.7 Furthermore, the current Retail and Leisure Capacity Study January 2009 identifies that 28% of local respondents felt that the Crossharbour centre lacked a leisure facility. It is considered that the proposal would provide one such facility for the local area.
- 8.8 This response is highlighted by the fact that Cubitt Town which includes Crossharbour is identified by policy SP03(4) of the Core Strategy Submission

Document December 2009 (CS) as an area requiring new and improved leisure facilities.

- 8.9 The proposal would provide a new leisure facility for both the local community and Canary Wharf Business District in an area which has an open space deficiency and the needs new leisure facilities.
- 8.10 As such, it is considered that the proposal accords with policy CP27 of the IPG and policy SP03(4) of the CSSD which support new leisure facilities in particular within the Cubitt Town location.
- 8.11 Policy CP40 of the Interim Planning Guidance October 2007 and SP09(4) policy of the Core Strategy Submission document seek to retain sustainable modes of transport. Furthermore, Policy 3C.3 of the London Plan (Consolidated with alterations since 2004), which seeks to promote sustainable transport in London and reduce travel of cars.
- 8.12 The partially re-use of an underutilised car parking building would allow for the removal of redundant parking spaces in an area with high accessibility. This accords with Council policies which seek to minimise car travel and off street parking in areas with good access to public transport.
- 8.13 Concerns have been raised about the compatibility of the sports facility with the residential buildings in the area. The objectors state that the noise from football pitches would be detrimental to the amenity of residents. This is discussed further in the amenity section of the report.
- 8.14 In terms of land use the specific nature of football pitches is not too dissimilar to local parks which are located in residential areas and many developments which include the provision of community facilities.
- 8.15 An example of which is the planning consent which is currently being implemented at the former London Docklands Sport Arena, 36 Limeharbour. The London Arena site is located 100m north of the Selsdon Way Car park.
- 8.16 The planning permission under planning reference PA/06/02068 includes the provision of a 1,329 sq.m of D1/D2 community facility. The community facility also includes the provision of a single 5 a side football pitch located south of Building 7. This five a side football pitch adjoins residential properties located in building 5 at ground floor level.
- 8.17 It is therefore considered that in principle the nature of the use i.e. five a side football has already been agreed as a compatible residential use in the local area.

### **Design**

- 8.18 Saved policy DEV1 of the UDP states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- 8.19 The existing building was built as part of the office buildings to the south, as such the design and materials are very similar with the ground floor consisting of white panels and the upper storeys in brick.
- 8.20 The use of brick and windows on the elevations facing Selsdon Way gives an

appearance of a residential/ commercial building as opposed to a car parking building.

- 8.21 The east elevation consists of brick cladding with several louvers designed for ventilation. These louvers also evident in part on the north and south elevations of the building.
- 8.22 The proposed external changes relate to the roof and alterations to the louvers serving the proposed function room, they are discussed further in this report at paragraphs 8.27-8.29.

#### Internal alterations

- 8.23 Eleven cycle stands to allow storage for 22 cycles are located at level 5, with the bulk of the activity proposed at levels 6A and 6B. These levels form the location of the reception, shower facilities, two pitches and a function room (which is further discussed in the following section).
- 8.24 The proposed 5 five-a-side pitches measure as follows:

Level	Size of Pitch
5B	14m by 25m
6A	14m by 20m
6B	14m by 25m
7A	13m by 25m
7B	13m by 25m

- 8.25 Sports England guidance states that for a five a side pitch is typically 17m by 30.5m. However, given the limitations set by the existing building the proposed dimensions are considered appropriate and reasonable.
- 8.26 The pitches at the lower levels would be enclosed by the existing louvers and would be lit by strip lighting in protective casing. Consequently, the external appearance of the building would remain unchanged and it would not be evident that the building is actually in use as a leisure facility.

#### Function Room

- 8.27 The proposed function room measures 6.4m by 10.2m (61.2sqm) and is located internally at level 6b. The function room overlooks the DLR line to the east of the site. The proposal seeks to remove every other louver allowing views eastwards (overlooking the DLR). These external alterations are considered acceptable.

#### Roof level.

- 8.28 At the upper levels the five-a-side pitches would have four floodlights in each corner mounted on a 6m high post providing an average of 140 Lux of illumination. The visual amenity implications are discussed in the amenity section of this report.
- 8.29 The fencing around the pitches comprises hollow sections of steel frames fixed to the structure with solid kickboards at low level with nylon netting above. The pitch is surfaced in an all weather artificial material.

- 8.30 They are also to be enclosed by netting and a 2 metre high barrier incorporated in the northern/southern ends to further mitigate the noise (as requested by the Councils Environmental Health Officer). The details of these noise mitigation measures would be conditioned.
- 8.31 With regards to the pitches on the roof they are centrally located, and would not be visible at street level. This matter is dealt with further in the visual amenity section at paragraphs 8.59-8.64.

#### Access

- 8.32 Pedestrian and disabled access to the building would be as existing, which includes lifts and stairs to each level. The pitches, modular buildings and viewing areas would be linked by level landings and accessible ramps to meet requirements for disabled access.
- 8.33 Overall, the design is considered appropriate in the locality and considered to comply with policy DEV1 of Tower Hamlets Unitary Development Plan (1998).

#### **Amenity**

- 8.34 The saved UDP policies DEV2 and the IPG policy DEV1 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupiers from new development.
- 8.35 The main issue in terms of amenity that the Development Committee must consider is whether the proposed change of use has an adverse impact on the amenity of residential properties at City Harbour, Aegon House and Marina Point and secondly whether these impacts can be mitigated via the imposition of conditions.
- 8.36 The previous application was withdrawn following advice from the Councils Environmental Health department as Environmental Health were concerned that the proposal may have an adverse impact on surrounding residents in terms of light pollution and noise associated with the proposed uses.
- 8.37 Further noise assessments were carried out by the applicant with the Environmental Health Officer present to address these concerns.

#### Hour of Operation

- 8.38 The hours of operation proposed are as follows:
- 8.39 Upper pitches (Rooftop level)  
Mon to Fri — 10.00am to 9.00pm  
Saturdays — 10.00am to 7.00pm  
Sundays — 10.00am to 7.00pm
- 8.40 Lower level pitches  
Mon to Fri — 10.00am to 22.00pm  
Saturdays — 10.00am to 7.00pm  
Sundays — 10.00am to 7.00pm
- 8.41 The hours of operation are set outside the noise sensitive hours of 11pm to 6am. However, it is considered prudent to condition these hours. This would further mitigate the impact of the proposal as outlined below.

### Noise, disturbances and light pollution

- 8.42 The impact of noise from sport and recreation depend to a large extent on the frequency of use and the design of the facilities.
- 8.43 In order to assess noise exposure for residential dwellings the Interim Planning Guidance (2008) in Planning Statement 1: Noise, states that the appropriate standard to be used is BS 4142/1990. The applicant in this assessment has used BS 4142/1997 which has replaced the previous standard.
- 8.44 The Northern and Shell office block is located approximately 35 metres to the west of the nearest pitch, and elevated by around 10 metres. These offices have non opening windows, and are screened by the existing office block that forms part of the NCP building. Given the nature of the use, it is considered that the noise impact on this building is acceptable.
- 8.45 The nearest receptors were at Marina Point and Aegon House which are located approximately 25 and 40 metres to the north respectively and City Harbour which is located approximately 53 metres to the south west.
- 8.46 It is noted that the Environmental Health Officer was present at these assessments, which should address concerns raised regarding the integrity of the assessments carried out.
- 8.47 It should be noted that these predicted levels are based on league games with referee whistles and spectator noise. Measurements of non-league activity, without spectators and referees, results in noise levels around 7 dB lower than for league activity.
- 8.48 The table below assesses the proposed pitch activity noise against the existing background noise level.

8.49

<b>Receptor</b>	<b>Predicted Noise Level at receptor LAeq (dB)</b>	<b>Minimum Existing Background Noise Level LA (dB) up to 2130 hours</b>	<b>Difference (dB)</b>
<b>Marina Point</b>	<b>44</b>	<b>54</b>	<b>-10</b>
<b>Aegon House</b>	<b>40 to 48</b>	<b>54</b>	<b>-6</b>
<b>City Harbour</b>	<b>39</b>	<b>45</b>	<b>-6</b>

- 8.50 Assessment of proposed pitch activity noise against the existing background noise level therefore indicates that noise from the proposed activity is unlikely to adversely affect the amenity of nearby residential dwellings.
- 8.51 These assessments demonstrate that there is more existing background noise than what is predicted to be generated from the use of the pitches. Therefore it is

unlikely that noise complaints would be made.

8.52 Several objections have resulted from residents with regards to the background noise actually being higher given the increase in capacity of the DLR with the three car extensions. This is further likely to reduce the difference between existing and proposed noise levels in the assessments carried out above.

8.53 In addition, the Tower Hamlets Environmental Health department also requested a comparison to the existing background noise level (LA90) against the WHO standard which is detailed below.

8.54

<b>Receptor</b>	<b>Predicted Noise Level at receptor LAeq(1hour) (dB)</b>	<b>WHO Guideline Value LAeq16hour (dB) External*</b>	<b>Difference in (dB)</b>
Marina Point	44	50	-6
Aegon House	40 to 48	50	-2
City harbour	39	50	-11

8.55 The predicted noise levels at the nearest residential dwellings would be well within the World Health Organization guideline values for noise during the day and evening. It is concluded, therefore, that noise from pitch activity at the proposed development is unlikely to affect the amenity of local residents by reason of noise. The Councils Environmental Health Officer has confirmed that any impact is acceptable subject to the imposition of mitigation conditions.

8.56 The Councils Environmental Health officer has requested the following mitigation measures to ensure no noise leakage:

- (a) Installation of neoprene strips to be installed behind the 'kick boards' to reduce ball impact noise.
- (b) The louvers in the north and south elevations should be enclosed internally with a solid continuous barrier, thus further eliminates noise.
- (c) The installation of a high noise barrier at the northern/southern ends of the rooftop pitches.

It is recommended that these mitigation measures are secured by condition.

8.57 The Councils Environmental Health Officer has advised that no whistles be used on the pitches. However, this is considered onerous, given the results identified in the above tables was based on the worse case scenario which includes spectator noise and whistles.

8.58 In terms of patrons leaving the site in the evening it is not envisaged that they would cause a particular amount of noise and disturbances close to the residential

buildings. This is due to the pedestrian route taken to and from the site, with patrons leaving the site to walk along Selsdon Way towards East Ferry Road and Cross Harbour DLR.

- 8.59 Concerns have been raised about increased vehicle noise. However, given the existing nature of the car park and the fact that the proposal would result in a reduction in parking movements by 173 spaces, any impacts are considered unlikely. Furthermore, in terms of trip generation for the centre this is discussed further in the paragraph 8.83 below.

#### Light Pollution and Visual Amenity

- 8.60 In terms of visual amenity the majority of the site is concealed from the street and views would be limited as the pitches are largely obscured by other elements of the existing car park structure.
- 8.61 The pitches on the lower levels would be enclosed and therefore completely obscured from view.
- 8.62 The main views that would exist are from the residential buildings of Cityharbour, Aegon House and the Northern Shell building.
- 8.63 The proposed floodlighting on the top floor has been designed sympathetically, with surrounding properties in mind. The latest technology reduces light spillage through the use of flat glass light fittings.
- 8.64 Lighting to the pitches at the lower levels is to be protected strip lighting, mounted to the underside of the existing structural floor slab; this however would not be visible externally.
- 8.65 The light spillage has been reviewed by Councils Environmental Health Officer who has advised that there would be no adverse impacts. It is recommended that a condition be imposed restricting the lux level of the lights and the hours of operation.

#### Overlooking

- 8.66 Given the separation distances of in excess of the 18m outlined in the Unitary Development Plan (1998) in policy DEV2 it is considered that the proposal would not result in an unacceptable level of overlooking to residential properties.
- 8.67 Given the position of the proposal, the development would not create any unacceptable sense of enclosure or loss of out look to habitable rooms adjacent to the site.

#### Function Room

- 8.68 As detailed above the proposed function room measures 6.4m by 10.2m (61.2sqm) and overlooks the DLR line to the east of the site. Given the orientation of the room to the DLR line no overlooking to any residential properties would result.
- 8.69 Concerns have been raised about the use of the function room, however, it would not be a licensed premise for the sale and consumption of alcohol. The space is flexible enough to use for minor functions such as trophy presentations or children's parties, which Power league offer on all of their sites. However, given the size at

61.2sqm it would be limited to small groups.

- 8.70 It is noted that there is a “bring your own” reference made to the room in the transport statement. The applicant has confirmed that this was inserted to demonstrate that no servicing would be required as there would be no bar area. Bring your own does not refer to alcohol and no alcohol on site would be permitted by the operator.
- 8.71 Subject to conditions, the impact of the development in terms of outlook, privacy, noise and light pollution is considered appropriate in relation to the residential amenity of adjacent properties. This is in line with saved policies DEV1 and DEV2 of the adopted Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.

### **Access and Highways**

- 8.72 The Site is located within an area of good public transport accessibility with a PTAL rating of 5. This is due to the location of Crossharbour DLR Station location just north of the site and East Ferry Road which is served by numerous bus routes.
- 8.73 Crossharbour Station is a short distance from Canary Wharf which represents the target market for the centre and is the location of the Jubilee Tube Line. The DLR also extends south to Lewisham.

### Parking

- 8.74 Saved policy T16 of the Unitary Development Plan (1998) requires the operation requirements of proposed uses and the impact on traffic is acceptable.
- 8.75 In accordance with Policy CP40 the Council seeks to minimise the use of cars in areas of high public transport.
- 8.76 Policy CP41 of the Interim Planning Guidance seeks to integrate development with transport by encouraging a sustainable mix of land uses.
- 8.77 Both the London Plan and Council policies aim to promote the use of cycling and walking as a viable alternative to car use for both leisure and work activities.
- 8.78 Powerleague operates Travel Plans at a number of sites, which has formed the basis for this Travel Plan as it has been made from reviewing other operational successes / problems at other sites. Car sharing is an important part of reducing vehicle trips and has been implemented successfully at other sites. There are no traffic problems experienced at comparable sites in London such as Euston, London City and Old Street which are well connected to public transport.
- 8.79 A parking assessment has been submitted and the impact on the CPZ and other areas around the site assessed with any impacts deemed to be acceptable.
- 8.80 Robust trip rates have been generated to assess the potential trips by using existing Powerleague sites at Liverpool Street and Old Street. Whilst the Liverpool Street and Old Street centres are more central, they have a similar PTAL rating to the proposed NCP site. Furthermore, Canary Wharf is the core catchment for the site, which works in a similar way to the commercial catchment in the City of London.



- 8.81 Given the immediate area is privately owned the Council would not be able to control unauthorised parking in this location. However, a site visit showed that there are existing enforcement arrangements for cars parked in unauthorised locations.
- 8.82 The surrounding area is part of a controlled parking zone (CPZ). Zones D1 and D2 operate between 8:30am and 5:30pm Monday to Friday.
- 8.83 The Council's Highways department have raised concerns regarding impacts on the CPZ. However, the site itself is directly comparable to other existing Powerleague sites located within central London such as Liverpool Street and Old Street. Surveys have been undertaken at those sites, which have similar levels of PTAL rating and also provide no parking spaces on-site. The surveys found that over 95% of customers and staff traveled to the sites by sustainable transport methods.
- 8.84 Furthermore it is considered that the car park is used mainly by people employed within the local area and as such those users would be likely to remove their vehicles as the proposed site starts to be used in the evening, therefore this provides further parking spaces within the site should they be ever be required.
- 8.85 The main target market for the centre is the local office workers, specifically those in Canary Wharf. This means that the centre would operate with its peak between 6-9pm Monday to Friday and would only operate until 7pm on Saturday or Sunday evenings. Therefore, the proposed development is not expected to cause capacity problems on the roads that surround the site, due to the identified travel modes of potential users and the high public transport accessibility of the site.
- 8.86 Notwithstanding the discussion above the submitted Travel Plan also allows for the monitoring of parking in the surrounding area. The applicant has confirmed that should issues directly attributable to the development be raised then further mitigation measures such as provision of dedicated bays in the parking building could be secured. It is recommended that a condition to secure the travel plan is included to ensure this plan is implemented and monitored regularly.
- 8.87 As such, subject to conditions it is considered that the transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

#### Cycle Spaces

- 8.88 The development proposes 11 Sheffield style cycle stands at level 5B which provide space for 22 cycle spaces. The Council's Interim Planning Guidance states that for D2 uses there should be a provision of 1 cycle space per 20 visitors.
- 8.89 The applicant has outlined based on full usage of all pitches (estimating 7 players per team) and less than 10 staff on site, the development only requires 5 cycle parking spaces to meet policy guidance. As such the provision of 22 cycle spaces in the form of 11 Sheffield stands is considered acceptable. It is recommended that a condition is included to secure these spaces if permission is granted.

#### Servicing and Refuse Provisions

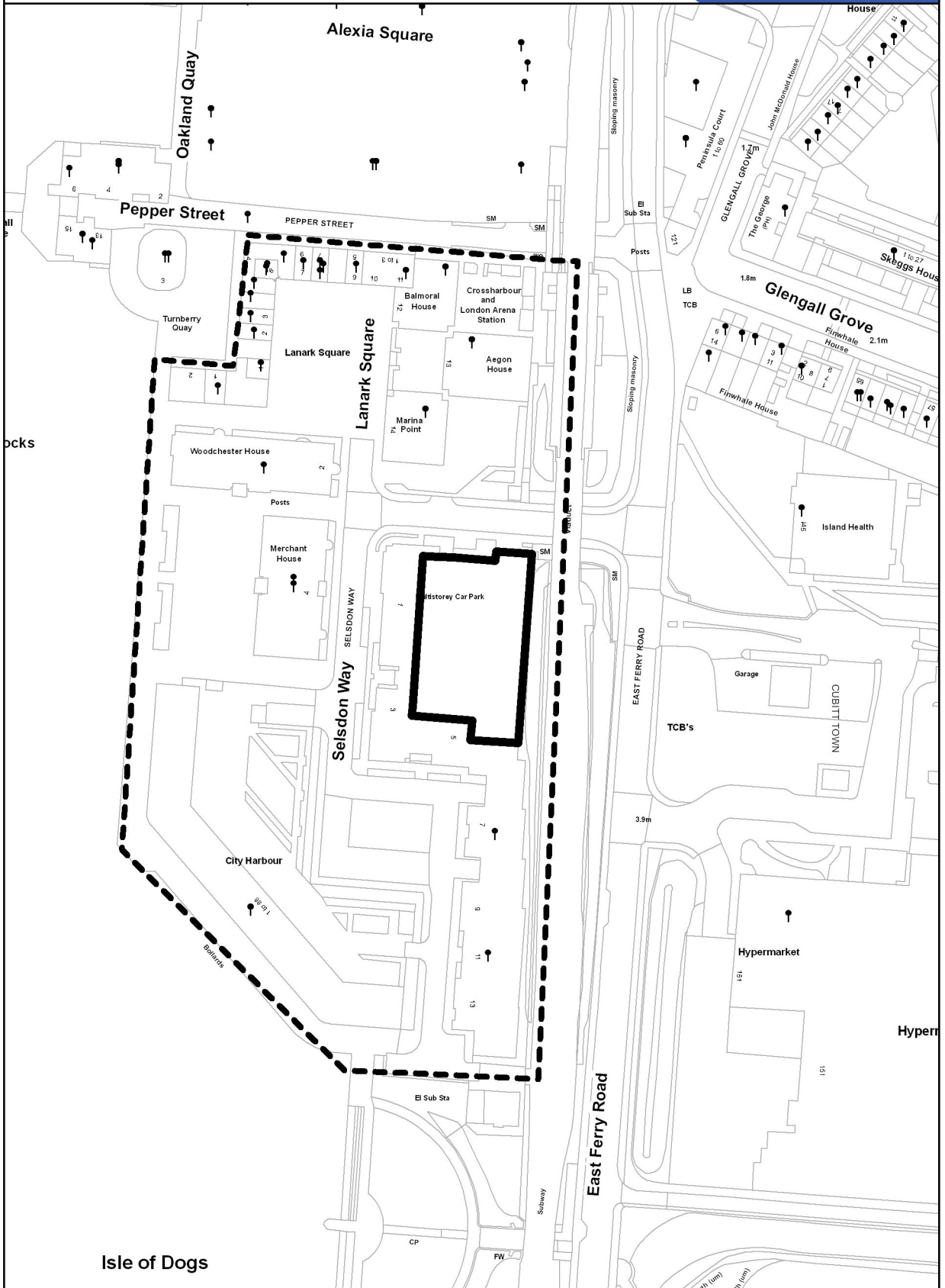
- 8.90 Refuse servicing is to take place from the ground floor. All waste is to be taken down to the ground floor by Powerleague staff via the existing lifts in the car park. The details of refuse servicing have not been provided and would be conditioned. However, given the nature of the proposal and size of the facility it is not considered that there would be an issue with regards to the storage of refuse subject to an appropriate condition.

### **Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



Planning Application Site Boundary



Consultation Area



Statutory Listed Buildings



Land Parcel Address



1:1,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright