

Committee: Development	Date: 26 th November 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/13/02142
	Ward: Saint Dunstan's and Stepney

1. APPLICATION DETAILS

Location:	Stepney Green Park, Stepney Way, London
Existing Use:	Sports pitch
Proposal:	Refurbishment of an existing sports pitch. Resurfacing of external 2G Synthetic Turf Pitch with a 3G surface, installation of ball-stop fencing to the pitch perimeter and replacement of existing pitch lighting with a modern artificial floodlighting system.
Drawings and documents:	List of Plans: 1633 01 rev. 00; 1633 02 rev. 00; 1633 03 rev. 00; 1633 04 rev. 00; and HL250D15/2/AL5760 Documents: Design & Access Statement rev. A; and Technical Specification for Challenger 1 Floodlights.
Applicant:	London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	None
Conservation Area:	None

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application to refurbish an existing sports pitch within the Stepney Green Park. The refurbishment would involve replacement of existing fencing and floodlighting and re-surfacing of the pitch.
- 2.2 The main issues to consider are the impact of the proposal on the amenity of adjoining residential occupiers, and design and heritage impact of the proposed structures.

- 2.3 The report explains that even though hockey players would no longer be able to use the sports pitch as 3G surfaces are only suitable for football, limited weight can be given to this concern as the applicant benefits from a strong fall-back position since the re-surfacing of the pitch by the Local Authority would constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Nonetheless, the applicant has confirmed that the works form part of a wider sports pitch strategy and that the 2 pitches at John Orwell Centre and Mile End Stadium would be refurbished with 2G surface which is suitable for hockey and that these pitches would then become borough's hockey centres with priority given to hockey clubs.
- 2.4 The proposed works to the sports pitch would be of an acceptable visual appearance, protect the amenity of adjoining residents and enhance the quality of the football pitch without prejudice to provision of an adequate amount of hockey sport pitches in the borough in accordance with local, regional and national planning policy.
- 2.5 The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **APPROVE** planning permission.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions

1. Time Limit 3 years.
2. Compliance with approved plans and documents.
3. Fencing to be painted black.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes improvement works to the existing 2G sports pitch which is in a poor condition. The proposed works include installation of ball-stop fencing to the pitch perimeter, replacement of existing pitch lighting with a modern floodlighting system and resurfacing of the sports pitch with a 3G surface.

Site and Surroundings

- 4.2 The application relates to an existing artificially surfaced sports pitch with floodlighting and enclosed by perimeter fencing. The pitch lies in the northern part of the Stepney Green Park. The pitch is used nightly until 10pm and is accessible through gates on Stepney Street or through the Stepney Park.
- 4.2 The site is neither listed nor located in a conservation area and carries no policy designations. The nearest conservation area is the Stepney Green Conservation Area which stretches to the north of the application site, largely on the opposite side of Stepney Green, while the nearest listed buildings are the Grade II listed drinking fountain and clock tower located respectively 20m and 40m to the north east.

- 4.3 The vicinity of the site is predominantly residential in character with the closest residential properties located on the opposite side of Stepney Green - some 40m to the north-west, at the corner of Redman's Road and Stepney Green - some 60m to the north-east and at the corner of Diggon Street and Stepney Way - some 70m to the south.

Planning History

- 4.4 **PA/80/00856** planning permission approved on 13/11/1980 for provision of playing fields and tennis courts.
- 4.5 **ST/90/00107** planning permission approved on 06/08/1990 for erection of eight floodlight columns, each with three lights to provide floodlighting to pitch.

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

NPPF - National Planning Policy Framework

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

3.19 Sports facilities

7.1 Building London's Neighbourhoods and Communities

7.2 An Inclusive Environment

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

5.4 Core Strategy 2010

SP03 Creating Healthy and Liveable Neighbourhoods

SP04 Creating a Green and Blue Grid

SP10 Creating Distinct and Durable Places

SP12 Placemaking

5.5 Managing Development Document 2013

DM0 Delivering sustainable development

DM8 Community infrastructure

DM10 Delivering Open Space

DM11 Living buildings and biodiversity

DM24 Place sensitive design

DM25 Amenity

DM27 Heritage and the built environment

5.6 Supplementary Planning Documents

N/A

5.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Healthy Community

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health

6.3 No comments received.

LBTH Biodiversity Officer

6.4 The proposals are unlikely to have any significant impact on biodiversity. Stepney Green Park is not known to be important for bats, though bats are known to feed in nearby St Dunstan's Churchyard. Floodlighting can adversely affect bats, but there are already floodlights around the pitch and the proposed new floodlights minimise light spill outside the pitch area.

7. Local Representation

7.1 A site notice was displayed on 16 September 2013. A total of 129 neighbouring addresses were notified in writing as shown on attached plan.

7.2 102 representations were received, all in objection to the application proposal.

7.3 All of the 102 objectors are concerned about the replacement of 2G multi-sport surface with a 3G surface which is not suitable for hockey. The proposal would thus reduce the provision of hockey suitable pitches in the borough.

7.4 The choice of the proposed surface material was queried with the applicant, the LBTH Head of Sport and Physical Activity who provided the following response:

7.5 *Tower Hamlets has a well-documented deficiency in open space, which also includes artificial pitches. The Sport England Facility Calculator indicates that for its population of 254,000 people, Tower Hamlets has a deficiency of 10 full size artificial pitches. This deficiency increases the importance of the existing artificial pitches within the borough, which cannot meet latent demand.*

7.6 *The Stepney Green Astro-turf is a well used community facility that is coming to the end of its life and as a result of the reduction in Council resources the £500,000 funding required to replace the astro-turf and make the other improvements is not available. Following a successful funding application to the Football Foundation, the Stepney Green Astro-turf pitch, floodlights and fencing will be re-developed, at no*

cost to the Council. The pitch will be refurbished from 2G sand filled to 3G, which is a football only compatible surface. The Football Foundation will only fund 3G pitches, so a hockey compatible surface will not be possible as part of this development. Consequently, hockey clubs, which currently play their matches at Stepney Green will be displaced to other pitches elsewhere.

7.7 To address this issue, the Council has made provision for the astro-turf pitches at John Orwell Sports Centre and Mile End Stadium to be refurbished with 2G astro-turf pitches capable of hockey training and match play. Both of these facilities will then become hockey centres with hockey teams given priority for bookings and where appropriate football teams being relocated to Stepney Green and other facilities to increase hockey capacity at both of these sites. Whilst there are only two hockey clubs (with approx 35 teams) in the borough, there are 83 affiliated football clubs with over 130 teams, clearly demonstrating that the demand for football in the borough far exceeds that of hockey. Whilst the displacement of hockey provision on the site is regrettable, provision is being made to accommodate and increase hockey capacity at both John Orwell Sports Centre and Mile End Stadium. In addition, the Council is currently in discussions with Lee Valley Regional Park Authority for Tower Hamlets Hockey Clubs to gain access to the Hockey & Tennis Development Centre (formerly the Eaton Manor Olympic venue) for hockey training and match play. Should these negotiations be successful, this will increase hockey capacity locally even further, as well as provide local teams with the option of accessing the best hockey facility in the capital.

7.8 This development provides considerable inward investment into the borough and enables the Tower Hamlets community to benefit from a completely refurbished facility, at no cost to the Council. The holistic approach to facility development adopted by the Council maximises investment in the borough's artificial pitches, provides new pitches at three different borough sites and provides the opportunity for local clubs to gain access to state of the art facilities at the Lee Valley Hockey and Tennis Development Centre.

7.9 It is also important to note that a change in artificial playing surface does not require planning permission as it is regarded as permissible development. It is for this reason that we believe that the objections to the playing surface should not be a sufficient reason to decline the application for this development.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage
3. Amenity
4. Human Rights Considerations
5. Equality Act Considerations

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.3 Housing growth in the borough should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policy 3.19 of the London Plan support proposals that increase or enhance the provision of sports and recreation facilities and specifies that where possible, multi-use facilities for sport and recreational activity should be encouraged.
- 8.4 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of excellent access to leisure and recreation facilities. Furthermore, the Managing Development Document policy DM8 requires protection of sport facilities where they meet a local need.
- 8.5 The application proposes installation of new perimeter fencing, floodlighting and resurfacing of the sports pitch. Even though the surface would be changed from 2G to 3G and as a result would only be suitable for football, the change would not constitute a material change of use and the use of the site would remain as a sports pitch.
- 8.6 The proposed works form part of a wider strategy for sport pitches within the borough and the applicant has confirmed that the existing 2 pitches at John Orwell Centre and Mile End Stadium would be refurbished with 2G surface which is suitable for hockey and that these pitches would then become borough's hockey centres with priority given to hockey clubs. Thus the capacity for hockey within the borough would be maintained and improved through provision of dedicated facilities and the application site would provide a higher quality surface for football players.
- 8.7 It is noteworthy that the applicant confirmed the need and their willingness to resurface the pitch regardless of planning permission being granted and that, as such, the applicant benefits from a strong fall-back position since the re-surfacing of the pitch by the Local Authority would constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 8.8 As such, noting the applicant's fall-back position and the pending implementation of a wider sports pitch strategy which would maintain and improve borough's capacity for hockey, it is considered that the proposed works are in accordance with local,

regional and national land use planning policy and would not prejudice the Council's objective to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles.

Design and Heritage matters

- 8.9 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 8.10 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- 8.11 The Council's Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 8.12 The aims of policy SP10 with regards to general design criteria are set out in policy DM24 of the Managing Development Document. The policy aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development. High quality building materials and finishes should be utilised.
- 8.13 The above design and heritage policies also act in support of the Council's place making role realised through strategic objective SO25 and policy SP12 of the Core Strategy which aim to create locally distinctive, well designed, healthy and great places which interconnect with, respond and integrate into the wider London area.
- 8.14 The parts of the proposal which could have implications on the appearance of the area or the character and appearance of the adjoining Stepney Green Conservation Area are installation of 4.5m high ball-stop fencing to the pitch perimeter and replacement of 15m high floodlights.
- 8.15 The 4.5m high ball-stop perimeter fencing would be largely set within the existing 2m high perimeter fence. The fence would be made of steel mesh providing security and ball retention but also enabling a high degree of intervisibility and minimising the visual impact. Furthermore, a condition would ensure that the fencing is painted black to match the colour of street furniture in the Stepney Green Conservation Area to the north and to minimise the visual impact and ensure a utilitarian appearance. It is also noted that in most views from within the park and from within the conservation area, the proposed fencing would be largely obscured by vegetation and appear as a non-intrusive, utilitarian element in the landscape.
- 8.16 The proposed 15m high floodlights replace the existing albeit in slightly different alignment along the southern and northern perimeter of the pitch. The columns would be galvanised steel – brushed silver coloured, and as such would match the appearance of the existing lighting columns on site.

- 8.17 Overall, the proposed fencing and floodlighting to the pitch would be of a high quality and appropriate scale and would not detract from the appearance or openness of the Stepney Green Park or the character and appearance of the adjoining Stepney Green Conservation Area. As such, the proposal is in accordance with national, regional and local planning policy.

Residential amenity

- 8.18 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.19 The nearest residential properties are located on the opposite side of Stepney Green - some 40m to the north-west, at the corner of Redman's Road and Stepney Green - some 60m to the north-east and at the corner of Diggon Street and Stepney Way - some 70m to the south.
- 8.20 The proposed perimeter ball-stop fencing would be fitted with neoprene rubber gaskets to every fence post/mesh fixing point to minimise rattle and vibration from ball impacts.
- 8.21 The current floodlights are approximately 20 years old and do not satisfy Football Association requirements. The application proposes installation of a new, modern floodlighting system to provide adequate lighting for the life term of the refurbished pitch. The floodlights would be secured to eight 15m columns – this height would enable all luminaries to be angled to minimise light-spill and glare.
- 8.22 It is considered that the proposal would not result in any additional disturbance to the amenity of the adjoining occupiers and should in all likelihood reduce the existing amenity impact of the use through provision of modern fencing and floodlighting. As such, the proposal accords with national, regional and local planning policy.

Human Rights Considerations

- 8.23 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.24 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.25 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.26 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.27 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.28 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.29 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest. It is unlikely that any private property rights arise in the context of this application.
- 8.30 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

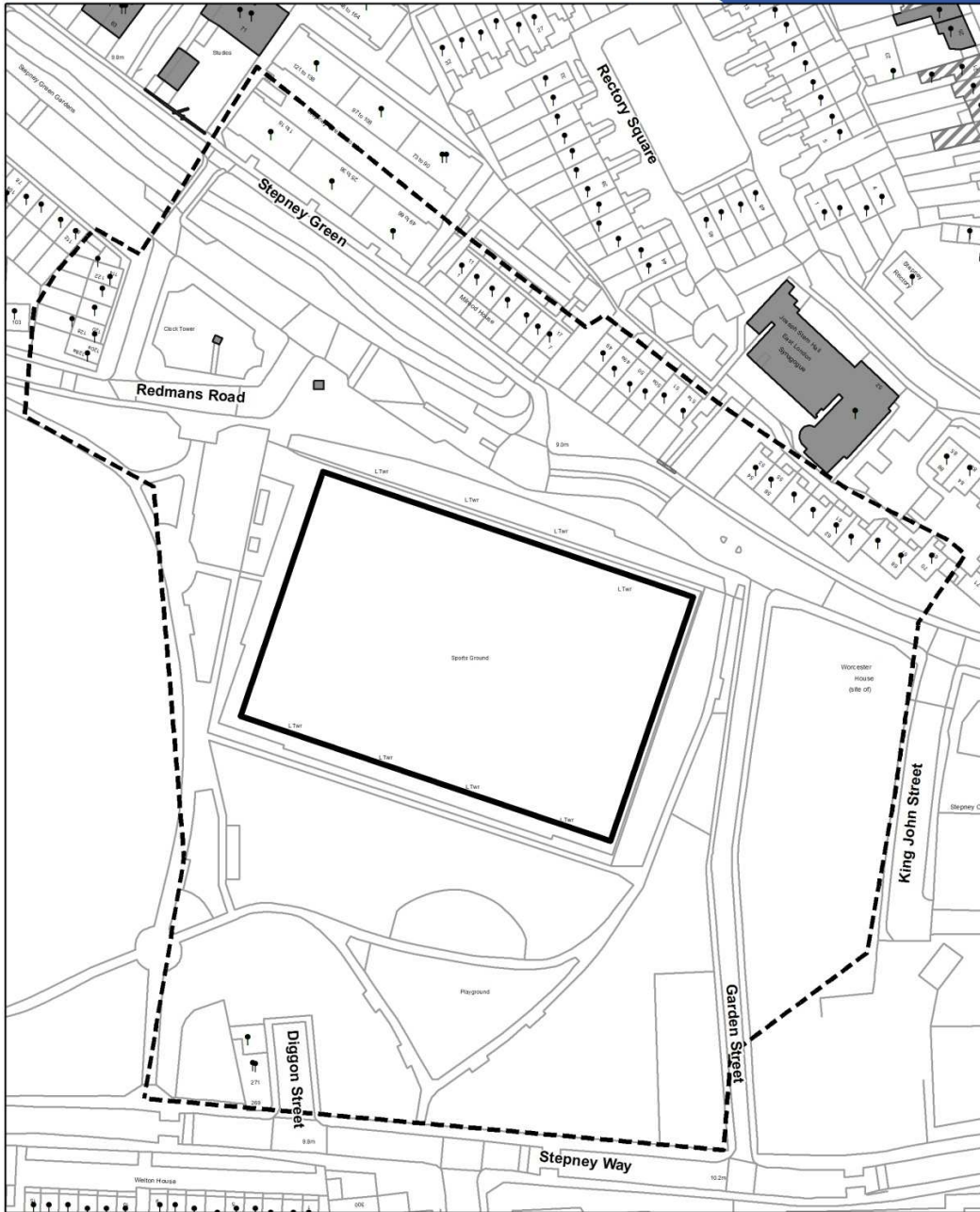
- 8.31 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. CONCLUSION

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

Planning Application Site Map
PA/13/02142



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|------------------------------------|----------------------------|---------------------|--|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address | |
| Consultation Area | Statutory Listed Buildings | OSLine | |

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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