Hackney Marshes Playing Fields
in the London Borough of Hackney
planning application no. 2008/0294

Strategic planning application stage II referral (old powers)

The proposal
Demolition and erection of changing rooms, reconfiguration of sporting pitches including the addition of flood lighting; and, associated landscaping.

The applicant
The applicant is Building Design Partnership, and the architect is BDP.

Strategic issues
Outstanding strategic issues regarding energy, urban design and transport are resolved.

Recommendation
That Hackney Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context
1  On 22 April 2008 Hackney Council consulted the Mayor of London on an application for planning permission for the above development at the above site. This was referred to the Mayor under Category 3D of the Schedule of the Order 2000: “Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floor space of more than 1000 square metres or a material change in the use of such building.”

2  On 29 May 2008 the Deputy Mayor, acting under delegated authority, considered planning report PDU/2161/01, and subsequently advised Hackney Council that the proposal was acceptable in principle with regard to strategic planning policy subject to the resolution of the following issues:
• Submission of an Energy Statement and a demonstration of how the scheme reduces carbon dioxide emissions through sustainable design and construction and how energy demands are met using renewable energy technologies were required.

• Clarification on the proposed design of the buildings was required; in particular on the ‘earth shelter’ and how the changing rooms will be ventilated and lit.

• Production of Travel Plan was required. Further work was requested on mitigation measures to limit the impact of overspill parking on the surrounding local streets.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 2 July 2008 Hackney Council decided that it was minded to grant planning permission for the revised application, and on 8 July 2008 it advised the Mayor of this decision. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor may direct the Council to refuse planning permission, and has until 21 July 2008 to notify the Council of such a direction. This report sets out the information needed by the Mayor in deciding whether to direct refusal.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 The stage I report identified that further work needed to be undertaken on energy, urban design and transport. The report had the following conclusion:

“The principle of the development is acceptable in strategic planning terms. However, outstanding concerns regarding energy, urban design and transport need to be addressed satisfactorily.”

Energy

6 An Energy Statement has now been submitted and the proposed measures are acceptable. However, to ensure their implementation a robust condition is required.

7 Hackney Council and the applicant have agreed to the GLA’s request that the following planning condition be attached to the planning permission.

“Prior to the commencement of development the applicant shall provide details, to be agreed in writing by the Local Planning Authority (in consultation with the GLA) on measures regarding the reduction of carbon emissions through the use of energy efficiency and a 20% target for carbon emissions reductions through on – site renewable energy unless there are demonstrable reasons why this cannot be achieved. The details shall include, but are not limited to: methods by which the Mabley Green floodlighting will be the most energy efficient and methods of water heating. Reason: To ensure a sustainable development and that the scheme is consistent with policy 4A.3, 4A.4 and 4A.7 of the London Plan and to ensure the implementation of the Energy Strategy submitted with the application.”
**Urban Design**

8 The GLA requested clarification on some elements of the detailed design of the buildings, in particular on the ‘earth shelter’ and how the changing rooms will be ventilated and lit. To date, no response has been received. The Council concludes that the design of the earth shelter is acceptable and the facilities provided are a vast improvement on the buildings currently on site, with respect to the other buildings the Council notes that the proposed buildings do not improve on the architectural quality of the existing buildings, they do represent a like for like replacement. Given the Council’s view and the fact the proposed changing rooms are a significant improvement on the facilities currently provided, the uncertainty regarding some details of the design are not in themselves sufficient to justify recommending refusal. However, where possible these matters can be addressed through Approval of Details.

**Transport for London’s comments**

9 Given that the highway will remain unchanged and works will be internal to the site, Transport for London did not seek any section 106 contributions for transport improvements at consultation stage. Concerns were however raised in relation to car and cycle parking provision, as well as pedestrian and cycle accessibility to/from the site.

10 In light of the revised proposals, TfL supports the overall reduction in car parking level from 538 to 410 spaces and the associated mitigation measures proposed to limit the impact of overspill parking on the surrounding local streets. Although Hackney Council’s position to promote sustainable travel, between local schools and the Marshes for recreation and sporting purposes, is supported, there are still uncertainties about the possible re-opening of Cow Bridge and the potential accessibility of the reduced North Marsh parking facilities to vehicles. TfL would like to be consulted on this issue in the future.

11 The proposed 50 secured and sheltered cycle parking spaces on the South Marsh are welcomed. As previously raised, TfL would however encourage that further increase in cycle parking provision be considered for the site if demand begins to reach capacity, and be delivered as part of the travel plan.

12 TfL welcomes of the developer’s commitment to provide a travel plan, which will be subject to monitoring arrangements and approval by the Local Planning Authority, prior to work commencing on site to encourage more sustainable modes.

13 TfL supports the provision of detailed information of public transport services, timetables and locations of bus stops/train stations in a prominent location on the Main Marsh site. TfL would subsequently suggest that maps illustrating walk and cycle routes and facilities be displayed and also be part of the travel plan initiatives.

**London Development Agency’s comments**

14 As the London Development Agency (LDA) has had previous involvement in this application, providing funding to support the Hackney Marshes Playing Fields development, the Agency has not commented on this application.

**Response to consultation**

15 Sports England – Supports the proposal, as it will be a better provision of changing facilities at the Marshes and Mabley Green.
Resident’s objections can be summarised as follows: Proposals are unimaginative; there are already an abundant amount of football pitches on the Marshes, why have more on Mabley Green; the relocation of the proposed changing room on Mabley Green would affect the view of a resident at 6 Lee Conservancy Road. Those of the above objections that raise strategic issues were dealt in the previous planning report.

**Legal considerations**

Under the arrangements set out in article 5 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has the power to direct the local planning authority to refuse permission for a planning application referred to him under article 3 of the Order. In doing so the Mayor must have regard to the matters set out in article 5(2) of the Order, including the principle purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

**Financial considerations**

Should the Mayor direct refusal; he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 8/93 (‘Award of Costs in Planning and Other (including Compulsory Purchase Order) Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

**Conclusion**

The proposed development on the application site is acceptable. It would result in a substantial improvement to the sites changing facilities that would facilitate use by women and girls and people with disabilities. The scheme ensures the future successful use of the Hackney Marshes and Mabley Green as areas of open space for sports and recreation.

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