

PLANNING AND ENVIRONMENT COMMITTEE

20 OCTOBER 2010

ITEM 7

REPORT OF THE
ASSISTANT DIRECTOR OF PLANNING AND
DEVELOPMENT MANAGEMENT

BACKGROUND PAPERS – GENERAL STATEMENT

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park
Oakleigh Road South
New Southgate
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

PLANNING AND ENVIRONMENT COMMITTEE

DATE: 20 October 2010

INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

H/03299/10

Burnt Oak

1 - 10

Former Scout Hut, Market Lane, Edgware, Middx

Conversion of former Scout Hut into multi-use community hall, new roof incorporating 0.4m increase in height, new access door, steps and ramp, and new boundary fencing.

Approve Subject to Conditions

H/03451/10

Hendon

11 - 24

Land at Brookside Walk, Bridge Lane NW4

Use of land as children's play area.

Approve Subject to Conditions

LOCATION: Former Scout Hut, Market Lane, Edgware, Middx
REFERENCE: H/03299/10 **Received:** 13 August 2010
WARD(S): Burnt Oak **Accepted:** 16 August 2010
Expiry: 11 October 2010

Final Revisions:

APPLICANT: Faith Community Ltd

PROPOSAL: Conversion of former Scout Hut into multi-use community hall, new roof incorporating 0.4m increase in height, new access door, steps and ramp, and new boundary fencing.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LDC.1497.001; SH-CV-E-01 Rev 2; SH-CV-P-01 Rev 2; Design and Access Statement Ref LDC.1497.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of this part of the Conservation Area.

4. The premises shall only be used for an after school club; youth remedial classes and other related youth activities as specified in the submitted Design and Access Statement; nursery support; women's and bible groups; choir practice once per month and as a place of public worship on Sunday mornings and for no other purpose (including any other purpose in Use Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use in order to safeguard the amenities of the area.

5. The development hereby permitted shall be limited to a maximum of 60 persons in attendance at any one time.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties.

6. The development hereby permitted shall not operate before 10am or after 8pm Monday to Saturday, and before 10am or after 6pm on Sunday or Bank Holidays.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

7. The following activities hereby approved shall not take place anywhere on the site except within the building on site: after school club; youth remedial classes and other related youth activities as specified in the submitted Design and Access Statement; nursery support; women's and bible groups; choir practice once per month and as a place of public worship on Sunday mornings.

Reason:

To safeguard the amenities of adjoining residents.

8. Prior to the commencement of the use hereby approved, a scheme for the management of noise generated by the approved uses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full before the approved uses commence and thus maintained to be satisfaction of the Local Planning Authority.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties.

9. The garden area, as detailed on plan no. LDC.1497.001, shall at no time be used as a play area.

Reason:

To safeguard the amenities of adjoining residents.

10. The development and uses hereby permitted shall not commence until the boundary fence has been constructed in accordance with the details shown on submitted plan LDC.1497.001.

Reason:

To safeguard the character and appearance of the Conservation Area and the amenities of adjoining residents.

11. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

12. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

13. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

14. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

15. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

16. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated 6th May 2010, and the following mitigation measures detailed within the FRA:
 1. Maintaining an area adjacent to Silk Stream, on which no building will take place, as highlighted on the submitted site plan.
 2. Flood resilience measures as detailed within the Flood Risk Assessment.

Reason:

To reduce the impact of flooding on the proposed development and future occupants.

18. Before the development hereby permitted commences, a method statement for the removal of asbestos shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the future users and nearby residents are protected from adverse health effects caused by asbestos.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006):
GSD; GMixed Use; GBEnv1; GBEnv2; GBEnv3; GBEnv4; GBEnv5;
GParking; GCS1; GLand; D1; D2; D11; HC1; CS1; CS4
 - ii) The proposal is acceptable for the following reason(s): -
The proposed use, in this edge of town centre location, would cater for community groups, and would not have a demonstrable harmful impact on the amenities of nearby residential properties.
2. The additional documents accompanying this application are:-Flood risk Assessment dated 6.5.10.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS25 Flood Risk

The Mayor's London Plan (consolidated with alterations since 2004):

Policy 2A.1 Sustainability Criteria
Policy 2A.8 Town Centres
Policy 2A.9 The Suburbs: Supporting Sustainable Communities
Policy 3A.18 Protection and Enhancement of Social Infrastructure and Community Facilities
Policy 3A.19 The Voluntary and Community Sector
Policy 3A.24 Educational Facilities
Policy 3C.24 Parking in Town Centres
Policy 3D.1 Supporting Town Centres
Policy 4A12 Flooding
Policy 4A.13 Flood Risk Management.

Relevant Unitary Development Plan Policies:

Policy GSD Sustainable Development
Policy GMixed Use
Policy GBEnv1 Character
Policy GBEnv2 Design
Policy GBEnv3 Safe Environment
Policy GBEnv4 Special Area
Policy GBEnv5 Accessible Environment
Policy GParking
Policy GCS1 Community Facilities
Policy GLand Re-Use of Brownfield Land
Policy D1 High Quality Design
Policy D2 Character
Policy D11 Landscaping
Policy HC1 Conservation Areas- Preserving or Enhancing
Policy CS1 Community and religious Facilities
Policy CS4 Educational Facilities

Relevant Planning History:

Application:	Planning	Number:	H/01639/10
Validated:	10/05/2010	Type:	Planning Application
Status:	WDN	Date:	21/07/2010
Summary:	WITHDRAWN		
Description:	Conversion of derelict Scout Hut into new multi-use Community Hall including new mezzanine floor, alterations to all elevations, increase in height of roof, and new access doors, steps and ramps.		

Application:	Planning	Number:	H/01658/10
Validated:	06/05/2010	Type:	Certificate of lawfulness
Status:	WDN	Date:	07/07/2010
Summary:	WITHDRAWN		
Description:	Proposed use of premises for Community Hall (D2).		

Consultations and Views Expressed:

Neighbours Consulted: 82
Neighbours Wishing To Speak: 0
Replies: 7

The objections raised may be summarised as follows:

- Privacy will be adversely affected as the height of the roof will be increased and the centre will be open 7 days per week
- Upstairs rooms could be viewed by those in the Scout Hut and would be unable to roam freely in garden
- Proposal damages the scenery
- Loss of light a major concern
- Increased noise pollution. The activities involve many children's groups which would result in an increase in noise and activity to the residents' gardens, the only area where residents can enjoy some peace and quiet.
- Housebound residents will have to keep doors and windows shut with the number of activities proposed for 76 hours per week. This is too much.
- Affect on traffic is a concern as Burnt Oak is already highly congested
- Increased number of cars would use Barnfield Rd compromising residents' safety
- Market Lane is too narrow for vehicle access
- Parking in the area is limited and will result in centre users parking inappropriately in the surrounding streets.
- Plans for an additional boundary fence is unclear. If users have access to the immediate space behind houses this would cause concern for security
- Development will cause stress and problems to elderly and vulnerable neighbours.
- There has been little consideration for the existing residents living in the surrounding area with few efforts by Barnet Council to address the problems mentioned

Internal /Other Consultations:

- Traffic & Development - No parking provision is provided on the site. This is the same situation as existing. The applicants are proposing to remain within the size limits of the existing hut. This is unlikely to intensify traffic above the previous use.
- Environmental Health - Recommend a condition be attached to ensure that the asbestos roof is dealt with appropriately.
- Environment Agency - The proposed development will only be acceptable if the recommended planning condition regarding the development being carried out in accordance with the approved Flood risk Assessment is imposed on any planning condition granted.

Date of Site Notice: 26 August 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to the former Scout Hut located on land accessed via Market Lane and adjoining the Silk Stream. Market Lane is a narrow road servicing the rear of commercial units with frontages to Watling Avenue.

The site is within the Watling Estate Conservation Area and abuts, on two boundaries, the rear gardens of houses in Barnfield Road and Silkstream Road.

The existing building is sited approx 15m's from the rear boundaries of the facing houses in Barnfield Road, and approx 3m's from the rear garden boundary of no. 23 Silkfield Road.

Proposal:

A planning application was submitted in May 2010 (our ref H/01639/10) seeking permission to convert the building to a multi use community hall. Alterations and extensions were proposed including a new roof structure with an increased eaves and ridge height to accommodate a mezzanine floor, resulting in a net additional floor area of 56m². The height to ridge of the building was proposed to increase from 4.7m to 8.3m

Following concerns raised by officers regarding the scale of the resulting building the application was withdrawn.

The revised, current planning application would maintain the existing footprint and floor area of the building; the mezzanine floor has been omitted and the ridge height would be increased by just 400mm to accommodate the replacement of the existing asbestos roof with an insulated, tiled roof. The existing eaves height would be maintained. The resulting community hall would have seating capacity of approx 60 people. A single fire exit door would be inserted in the south elevation facing Silkstream Road, and disabled ramps would be created allowing inclusive access to the building via the existing entrances on the west elevation facing Barnfield Road.

The outside space would be enclosed by a 1.8m high close boarded fence and would be laid out as a garden with seating.

The resulting building would be used for a variety of community uses including an after school club; youth remedial classes (extra tuition for those who have failed at GCSE); nursery support; dance and music lessons on a Saturday afternoon; afternoon 'jump' youth sessions every couple of months; women's groups and for religious services on Sunday mornings.

Following negotiations, the applicant's agent has confirmed that a condition requiring an end time of 8pm Monday to Saturday, 6pm Sunday and bank Holidays, would be acceptable. An end time of 10pm was originally requested.

Planning Considerations:

The Impact on the Character and Appearance of the Conservation Area

The existing scout hut is in a poor state of repair, with an overgrown and unkempt garden area. The site at present detracts from the character and appearance of this part of the Conservation Area.

It is considered that the proposed re-use of the existing structure, with the moderate increase in ridge height and amendments to the elevations, would improve the site's appearance and remove the harm to the character of the Conservation Area that the existing site and building currently cause.

Residential Amenity

The building was erected for use by the Scout Association in the 1950's and was in use as a Scout Hut until approx October 2008. Much of the activity at the Hut would have occurred during the evenings and weekends and the building and its use were unencumbered by any restrictive planning conditions relating to hours or days of use.

The increase in ridge height by 400mm would have a negligible impact on the living conditions and visual amenity currently enjoyed by neighbouring occupiers. Further, the introduction of a 1.8m boundary fence and the landscaping of the site would bring benefits to residents.

With regard to the proposed use, noise and activity would increase. However, with the imposition of the conditions recommended, it is considered that the use of this edge of centre site for community purposes could be accommodated without an unacceptable loss of amenity to residents.

Parking

No car parking is proposed. The building is located close to good public transport links and will provide a relatively modest sized, multi-use community facility. In light of this, and the site's location in a Flood Risk area making the provision of a hard surfaced parking area problematic, it is considered that the development could be accommodated without dedicated car parking spaces without undue impact on the public highway.

Flood Risk

The site is within the Flood Plain. The measure outlined in the submitted Flood Risk Assessment, including a raised finished floor level and the availability of flood prevention gates to be fitted to doors as and when required, is acceptable to the Environment Agency. Further the area of land to the east of the hall, abutting the Silk Stream, is to be left for the Environment Agency as an area they may wish to use to carry out any further flood prevention measures for the local area.

3. COMMENTS ON GROUNDS OF OBJECTIONS NOT ADDRESSED IN THE REPORT ABOVE

- No windows are proposed on either the west or south elevations facing the rear garden boundaries of the neighbouring occupiers. Plus the existing roof lights and an existing toilet window on the south elevation would be removed. It is considered that the proposed alterations would not give rise to a loss of privacy or sense of overlooking.
- The modest increase in height to ridge of 400mm would not give rise to a loss of light. The residential houses in Silkstream Road, sited closest to the building, are south of the application site.
- The recommended conditions to be attached to any grant of planning permission would ensure that the proposed use ceased after 8pm Monday to Saturday, 6pm on Sunday and bank Holidays. Further, the garden area is not to be used for outdoor games.

4. EQUALITIES AND DIVERSITY ISSUES

The Council recognises that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. The use of the Scout Hut for community and religious facilities would represent an important local resource which would support local communities.

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having regard to the relevant planning considerations, including the previous use of the building as a Scout Hut, it is considered that subject to compliance with the attached conditions, the proposal would not cause undue harm to the character and appearance of the Conservation Area, the living conditions or visual amenities of any neighbouring occupiers and would not prejudice highway safety or convenience.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN: Former Scout Hut, Market Lane, Edgware, Middx

REFERENCE: H/03299/10



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LOCATION: Land at Brookside Walk, Bridge Lane NW4

REFERENCE: H/03451/10

Received: 27 August 2010

Accepted: 27 August 2010

WARD(S): Hendon

Expiry: 22 October 2010

Final Revisions:

APPLICANT: London Borough of Barnet Greenspaces

PROPOSAL: Use of land as children's play area.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PB/50214/PO1. PB/50214/PO2A, Details of Play Equipment and Fencing, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by Class A(a) of Part 12 to Schedule 2 of that Order shall be carried out within the area of the application site outlined in red on plan no. PB/50214/PO1.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

3. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

4. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

5. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

INFORMATIVE(S):

- 1 The plans accompanying this application are:- Planning Statement, Design and Access Statement, Tree Survey, Statement re Consultation regarding play equipment in Brent Park/ Brookside Walk

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS9 - Biodiversity and Geological Conservation

PPG17 - Planning for Open Space, Sport and Recreation

PPG24 - Planning and Noise

PPS25 - Development and Flood Risk

Consultation Paper on new PPS: "Planning for a Natural and Healthy Environment" March 2010

Dept. for Children, Schools and Families: "The Play Strategy" 2008

Fields in Trust (former National Playing Fields Association) Six Acre Standard 2001

The Mayor's London Plan (consolidated with alterations since 2004):

Policy 3A.17 - Addressing the needs of London's diverse population

Policy 3A.18 - Protection and Enhancement of social infrastructure and community facilities

Policy 3D.10 - Protection of Metropolitan Open Land (MOL) from inappropriate development

Policy 3D.11 - Open space provision in DPDs

Policy 3D.12 - Open space strategies

Policy 3D.13 - Children and young people's play and informal recreation strategies

The Mayor's London Plan Consultation draft replacement plan October 2009

Policy 3.1 - Ensuring equal life chances for all

Policy 3.6 - Children and young people's play and informal recreation facilities

Policy 7.17 - Protection of MOL from development

Policy 7.18 - Protection of local natural space and addressing local deficiency

Policy 7.19 - Protection of Sites of Borough and Local Importance for Nature Conservation commensurate with their importance

The Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation'

Relevant Unitary Development Plan Policies:

Barnet Adopted UDP 2006:

Policy GBEnv1 - Protection and enhancement of quality and character of built and natural environment

Policy GBEnv2 - Seeks to ensure high quality design in all new developments

Policy ENV12 - Development likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted

Policy D1 - Seeks high quality design and developments which are sustainable and ensure community safety

Policy D2 - Aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality

Policy D9 - Designing out Crime. In new developments, regard shall be given to:

- i) ensuring public areas are overlooked by buildings
- ii) increasing natural surveillance in public areas at different times by promoting a mix of land uses in an area
- iii) ensuring main entrances are visible from the street or other public spaces
- iv) ensuring streets and paths are well and appropriately lit
- v) dark or secluded areas are not created
- vi) creating clear boundaries between public and private space

Policy O1 - Protection of Green Belt and MOL from inappropriate development. Applications should be refused, except in very special circumstances, where development is not compatible with purposes and objectives of designation, does not maintain openness and would harm visual amenity

Policy O2 - Defines appropriate developments (new buildings and uses) in Green Belt and MOL. These include:

- i) agriculture, horticulture and woodland;
- ii) nature conservation and wildlife use; and
- iii) essential facilities for outdoor sport and recreation, cemeteries and for other uses which complement and improve access to, and which preserve the openness and do not conflict with, the purposes and objectives of the Green Belt or Metropolitan Open Land.

Policy O12 - Protection of green chains

Policy O13 - Protection of green corridors

Policy L11 - Development in public open space will only be permitted where ancillary to its use, complements its functions, not harmful to open character and in the interests of the community

Policy L15 - Protection of metropolitan walks

Barnet Open Space, Sport and Recreational Facilities Needs Assessment 2009

LB Barnet Play Strategy 2007-2011

London Ecology Unit - Nature Conservation in Barnet 1997

Relevant Planning History:

There is no relevant planning history.

Consultations and Views Expressed:

Neighbours Consulted: 274
Neighbours Wishing To
Speak 77

Replies: 247

Letters of objection have been received from 163 residents of 100 properties together with a petition with 118 signatories representing 61 properties.

Most of the letters have been received from residents in Southbourne Crescent, Kings Close, The Brookdales and Albert Road.

The objections raised may be summarised as follows:

- whilst the play area was open it generated considerable noise disturbance during the day, piercing noise of screaming children and rowdy children. Southbourne Crescent residents unable to keep windows open especially at weekends
- parking problems exacerbated. Unable to park in Southbourne Crescent on some occasions
- Play areas do not reduce anti-social behaviour - they attract it
- vandalism and rowdiness at night. Youth climbed the fence, rode BMX bikes down the slide, drug dealing took place, fireworks let off, the police were called on a number of occasions
- has been graffiti on residents fences
- children playing block paths for those on mobility scooters
- area frequently polluted from overflowing sewers
- site frequently and seriously floods
- small children will be hurt by falling branches
- fence extends right up to neighbours fences - makes it easier to get into residents gardens
- area was a meadowland of outstanding natural scenic beauty. The play ground has resulted in this amenity being lost
- should be re-sited in Brent Park or another open space e.g. further along Mutton Brook on the other side of the North Circular away from houses
- it is only 5 minutes further to walk from Boyne Avenue to Windsor Avenue open space which has a play area. Play areas at Leaside Crescent and Hendon Park are also available.
- scale of the playground is too large - up to 14 year olds
- a similar playground scheme at the Welsh Harp has had a devastating result
- appearance is ugly and has destroyed a most precious and beautiful area of natural beauty
- the Council has cut back many trees and built on the lovely grassy area
- there are no toilet facilities and children use the area itself or knock on neighbouring houses
- majority of people using the play area are not very local residents but live a few streets away
- the way in which the play area was installed without the appropriate authority and without planning permission is unacceptable
- the fact that the play area has been opened and then closed means that the determination of the application has been biased

- more weight should be given to the views of people who live near the play area rather than those who use it who live further away
- some residents believe the Local Safer Neighbourhood Team was not told about the play area. SNT officers do not patrol at night when anti-social behaviour problems occur

Letters in support have been received from 82 residents (plus 2 with 'no comment' rather than support) of 72 properties together with a petition with 162 signatories representing 142 properties.

Most of the letters have been received from residents in Kings Close, The Brookdales, Boyne Avenue, Holmfield Avenue and Albert Road.

The comments made are summarised as follows:

- nearest playground is 15 minute walk away
- would improve the value of our streets to have a local safe, enclosed park
- should not impact significantly on noise levels or privacy in the area
- benefits to a large number of young families exceeds the undeniable costs to a smaller number of local residents who correctly anticipate an increase in noise
- alternative site on Bell lane would meet similar objections from neighbours on Green lane
- current site is an attraction for the homeless, alcoholic and mentally unwell making it unsafe. The play area will have a civilising influence
- was wonderful to see long awaited playground go ahead
- empty land was turned into a wonderful playground
- needed by the community
- area was previously an eyesore - never taken care of and full of rubbish. Playground is an improvement
- Brookside Walk is rather deserted and people, particularly women, feel unsafe to walk through it. Play area will attract families, making it feel safer
- waste of public money to take it down
- play area is attractively designed and blends with the surroundings making this somewhat neglected spot much more attractive
- parking at bottom of Bell Lane/ Bridge Lane quite good as no houses directly over the bridge
- play area has been very popular
- children are dismayed that area has shut - promoted the idea of being out in the fresh air having fun and exercising. Parents would not have wanted to go there before the clean up
- young children unlikely to make any noise at night, CCTV can prevent area becoming a crime spot

In addition, Greenspaces have received directly a petition in support with 84 signatories from 76 properties and 23 individual emails. Over 50 phone calls were also received by Greenspaces from residents objecting to the closure of the play area.

Internal /Other Consultations:

- Traffic & Development - No highways objections.
- Environment Agency - Flood Risk Assessment and consultation with Environment Agency not required for planning application. Flood Defence

- Consent may be required for any works within 8m of the main river.
- Environmental Health - Comments incorporated in main body of report.

Date of Site Notice: 02 September 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site comprises part of an area of open space laid to grass known as Brookside Walk. The area is bordered to the south by Mutton Brook and to the west by Dollis Brook. There are footpaths crossing the area alongside the brooks going north/south and west/east.

To the north of the site are semi-detached properties within Southbourne Crescent. The gardens of those properties immediately adjacent to the play area are approximately 20m in depth. Some screening near this boundary is provided by existing trees. To the south of Mutton Brook are residential blocks of flats and 2 houses along Bridge Lane. The nearest block is approximately 22m from the play area. There are fewer trees along this boundary. To the west of the site lies the River Brent with properties in Kings Close beyond. The nearest garden in Kings Close is approximately 50m from the edge of the play area and there is extensive tree screening along this boundary. To the east of the area Brookside Walk continues via the underpass below the North Circular Road.

The site is designated in the adopted UDP as part of a wider area of Metropolitan Open Land and Site of Borough Importance for Nature Conservation. It forms part of a green chain and green corridor and adjacent to the route of a metropolitan walk. The site lies within Flood Zones 2 and 3 (part) and an Area of Archaeological Significance.

Proposal:

The application is for the use of part of the open space as a children's play area. The play area has already been installed but is currently closed to the public. Various items of play equipment have been installed, together with a picnic bench and litter bins. A 1.2m high green palisade fence has been erected along the western and southern edges of the play area. The southern fence extends alongside the whole length of the footpath up to the underpass. There are a number of pedestrian gates in the fence to allow access to the area and a vehicular gate for maintenance access in the southwest corner. Some additional soft landscaping is proposed within the site but has not yet been planted.

Background to the scheme:

A request was made to Hendon Forum, via a petition, on 7th May 2008 for a play area in Brent Park or Brookside Walk. Investigation showed that there was a need for a play area in the vicinity in terms of the recommended play provision standards. The Barnet Open Space, Sport and Recreational Facilities Needs Assessment 2009 shows the area being outside the catchment of any play provision. The nearest play provision is within Hendon Park over 600m away. Following Council agreement to fund the project, a number of locations were investigated and the Brookside Walk site chosen as it offered the following benefits:

- open space of appropriate size available
- enough space to incorporate a challenging play space
- could be incorporated into existing landscape
- visible from flats opposite

- is an access route so there is a high level of footfall through the area
- there are a number of access points to the site

A site in Brent Park itself was considered unsuitable for the following reasons:

- The original play area was in an isolated and secluded location leaving it vulnerable to vandalism and was an unsafe area for play
- The park has problems with street drinkers and drug dealers
- A location nearer the front of the park was not available because of proximity to trees and root zones
- Proximity to lake and river

Consultation with local residents, schools and youth groups took place culminating with a consultation event in Brookside Walk on 25th October 2009. Over 100 people attended and the results were used to inform the design chosen. The final design was circulated to local schools and groups in December.

The design brief was to provide a play area for 3 to 13 year olds that was physically challenging, fun and provided an element of risk. The area should be easily maintainable and blend with the existing landscape. The area was to provide play opportunities for all children and some elements facilitate wheelchair use and use by children with a carer's assistance. Different pieces of equipment are suitable for children with moderate or more severe disabilities.

A fence has been erected alongside the whole length of the footpath to separate the play area from the brook and allow children to use the full area safely, whilst not excluding use of the area by the wider public.

Work commenced at the beginning of June and the playground opened on 16th July.

This site has been subject of recent Court proceedings. The Court decided on 13th August 2010 with the agreement of all parties that planning permission and lawful authority is required if the current use is to be maintained.

The play area has been closed to members of the public since 13th August 2010. Useable parts, such as seats and nets of the play equipment, have been removed since 26th August 2010 following the requirements of the Court Order.

Planning Considerations:

Need for a children's play area

The play area the subject of this application is designed, within the hierarchy of play spaces, as a Locally Equipped Area of Play (LEAP). As such it is designed for children within a 5 minute walk of the site (400m distance), has a minimum of 5 pieces of equipment, with the activity zone being 10m from the nearest property.

Planning Policy Guidance Note 17 (Open Space, Sport and Recreation) requires local authorities to undertake audits of existing open spaces, sports and recreational facilities to include assessments of their quantity and quality, their uses, accessibility and opportunities for new open space facilities. The Council has recently undertaken such an audit (Barnet Open Space, Sport and Recreational Facilities Needs Assessment 2009). National policy recognises the importance of play for children in terms of education, health and wellbeing.

The importance of play space for children is recognised in the London Plan. The Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation' says Boroughs should prepare Play Strategies. It also identifies benchmarking standards to provide additional guidance to Boroughs on developing strategies. It refers to the Fields in Trust (former National Playing Fields Association) 'Six Acre Standard' (last published 2001), and although recognising that this standard is not necessarily appropriate for high density housing areas in London, that it does provide a useful benchmark. The standard recognises the importance of access to different types of play spaces. The Mayor's guidance introduces the concept of 'playable space' and the recommended benchmark standards are consistent with emerging standards in the Children's Play Council Performance Indicators. These propose that for under fives a playable space should be available within a maximum walking distance of 100m, for 5 to 11 year olds, 400m and for over twelve's 800m.

The Council has a Play Strategy which sets out a framework for working in partnership to improve the choice of play provision for 0 - 18 year olds in Barnet from 2007-2011.

The identified play priorities are:

1. To highlight the importance of play in Barnet
2. Ensure that play opportunities are inclusive
3. Improve children's health and well-being through play
4. Ensure play provision is safe but challenging
5. Involve children, young people and their families in improving play provision

The Council's audit 'Barnet Open Space, Sport and Recreational Facilities Needs Assessment 2009' concludes that large areas of the Borough are not within walking distance of a Locally Equipped Area of Play (LEAP) or Neighbourhood Equipped Area of Play (NEAP).

A number of play areas have been erected recently or are planned within the Borough to address this shortfall. The residential area around the application site has been identified by the Greenspaces team as one of the areas with a shortfall in provision of play areas. The implementation of the Brookside Walk play area is in accordance with the priorities identified in the Play Strategy.

Policy L11 of the Adopted UDP states that development in public open space will only be permitted where it is ancillary to its use, complements its functions, is not harmful to its open character and is in the interests of the community. The play area meets a need identified locally and supported by the national and strategic policy. It is therefore considered that it meets the needs of the community as identified in policy L11.

Metropolitan Open Land Issues

The Barnet Adopted UDP identifies the main criteria for identifying Metropolitan Open Land in Barnet, including its purposes as:

- Land which contributes to the physical structure of London by being clearly distinguishable from the built-up area;
- Land which includes open air facilities, especially for leisure, recreation, sport, arts and cultural activities and tourism and which serves the whole or significant parts of London; and
- Land which contains important features of historic, recreational or nature conservation interest.

This part of Brookside Walk is an area of mown grass adjoining the footpath, available for informal recreation. The wider site is designated as a local park in the Barnet UDP. The characteristics of such local parks and open spaces as set out in the UDP are use for court games, children's play, sitting out areas and nature conservation areas. They are designed for primarily pedestrian visits.

Policy O2 states that certain developments in MOL are not inappropriate. One of these categories is "*essential facilities for outdoor sport and recreation, cemeteries and for other uses which complement and improve access to, and which preserve the openness and do not conflict with the purposes and objectives of the Green Belt or Metropolitan Open Land.*"

Although the land has MOL designation its main function is as part of a local park. It is considered that in policy terms, the use of part of the area as a children's play area is compatible with the functions of the land as a local park and would not therefore conflict with the purposes and objectives of its designation as MOL. It is considered that the play area complements and improves access to the MOL.

Following the design brief for the scheme, the resulting layout is relatively spacious, with pieces of equipment integrated into their setting. The fencing is of an appropriate height and appearance for a park setting and does not prevent public access to the land.

It is considered, given the previous use and function of the land and appearance of the development, that use of the land as a children's play area and the resultant play equipment, fencing and ancillary features can be accommodated without undue harm to the openness of the area.

Similarly, it is considered that the development can be accommodated without undue harm to the visual amenity of the area. Although the area was previously open and undeveloped, the wider park is surrounded by built development, although there is some screening to a greater or lesser extent along the boundaries. Moreover the area is crossed by footpaths with lighting columns. It is considered that the play equipment and fencing does not change the character or appearance of the land to such a degree that there is material harm to the visual amenity of the area.

In terms of policies O1 and O2 of the Adopted UDP, it is considered that the proposal is compatible with and complements the functions of the designated MOL and does not unduly harm the openness or the visual amenity of the area.

Impact on character and appearance of area

The area of the site and neighbouring open space is a designated local park in the Adopted UDP. It is surrounded by development. Its character results from the streams and footpaths crossing it and associated landscaping. Part of the wider park is of a more wooded appearance i.e. the path following the Dollis brook northwards. The part of the area the subject of the application has a different appearance as it is an expanse of mown grass adjoining the footpath. As discussed above, the range of play equipment has been designed to be assimilated into the park setting. It is considered that the use of the land for a play area and the operational development involved i.e. the equipment and fencing, are not of an excessive scale within the wider open space. The development complements the use of the land as open space and its function as a local park. As stated above, it is considered that the development is not harmful to the open character of the land or the visual amenity of the locality. The development is therefore considered to be in accordance with policies GBEnv1, GBEnv2, D1, D2 and L11 of the Adopted UDP.

Traffic and Parking Issues

Given the nature of the play area, it is designed to provide a facility for the immediate community with the majority of users arriving on foot. Although there is a likelihood that some people will drive to the play area, the traffic generated is not likely to be significant. The part of Bell Lane/ Bridge Lane next to the access to the park is not subject to parking restrictions and there is generally some parking availability. During the month the play area was open, it was visited by a member of the Greenspaces team on a number of occasions and the maximum number of children present was 20. It is considered that the additional demand for on-street parking on the highway is likely to be limited and can be accommodated without undue adverse impacts on the safe operation of the highway.

The Traffic and Development officer raises no objection to the development.

Impact on residential amenities of neighbouring occupiers

The principal amenity issues arising as a result of the development are noise nuisance during the day as a result of the use of the play area, a potential increase in anti-social behaviour particularly during evenings and at night and inconvenience to residents from additional parking on the highway from users of the play area.

Policy D9 of the Adopted UDP requires new development to have regard to measures to ensure new development is designed to provide safety and security in the environment and to reduce crime and the fear of crime. One of those measures is to increase natural surveillance in public areas at different times by promoting a mix of uses in an area.

Policy ENV12 of the Adopted UDP states that development likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted

The criteria for a Locally Equipped Area for Play (from the 'Six Acre Standard') includes the need to maintain a minimum of 20m to the habitable room of neighbouring dwellings and 10m to gardens. Although each planning application is determined on its own merits, this provides a general guideline to aid authorities in identifying suitable locations for such play spaces. The distance to the nearest house in Southbourne Crescent meets this standard. The main part of the play area is more than 10m from the boundary fence, although 4 'boulders' fall within this area. There is an area of undergrowth which would prevent children playing close to the fences.

The Council's Environmental Health Officer has visited the site and taken noise readings. Looking at the layout of the park, the size of it, and the distance from the North Circular, she does not think that the amount of noise generated from children playing will be significant. Traffic noise is likely to mask some of the noise from the children playing. It would mask noise from general conversation. There might be noise from some shouting and screaming still audible above the traffic. The fact that the play area is not concentrated into a small space also reduces the impact as the noise sources are spread out. She took noise readings in two places between about 2.20 and 3.15pm on a weekday afternoon. This is probably the quietest part of the day. Noise readings did differ considerably, with a 6dB difference between noise levels at the boundary of the fenced-off area closest to the A406 compared with those nearest to the flats at Brookdales. There were gaps in traffic probably due to the phasing of the nearby traffic lights. Taking into account the background noise levels and distances to properties it is her opinion that the noise of children playing is likely to be below background levels. This is an indication of how intrusive and

noticeable the noise levels are likely to be. When the children scream and shout then these maximum noise levels would be more noticeable over the background noise levels. However she does not think that this noise would be loud enough to really affect peoples' enjoyment of their homes.

Some of the local residents say that noise was audible in their houses and gardens when the play area was open. In assessing the impacts of potential noise on local residents, the existing use of the land as a public open space with unrestricted access should be taken into account. Although there may be some impact on the residential amenities of neighbouring residents arising from use of the play area during the day, children will not use it at night when background noise levels are lower. It is considered that the harm would not be so significant as to be seriously harmful to residential amenity.

The applicant has provided the following information concerning actual and potential anti-social behaviour:

- A number of residents objecting to the scheme have raised concerns about actual or potential anti-social behaviour associated with the play area. The Council's crime analyst is provided with a breakdown of CAD (Computer Aided Data) incidents reported to the Police in this area. In the year prior to the play area opening there were 3 reported incidents. Since the play area was opened there were 6 reported incidents, from one resident, relating to anti-social behaviour. 3 calls were related to one incident.
- The Police Safer Neighbourhood Team were involved during the initial consultation exercise. They have not reported any serious issues relating to anti-social behaviour, drug-taking or drinking in the play area. There is an existing problem with drug dealing and drinking in Brent Park. The LB Barnet Community Safety Team have no reported problems or issues arising from the play area.
- There is no evidence of graffiti or vandalism whilst the area was open. The LB Barnet Street Cleansing and Ancillary Services team have 1 reported graffiti incident in the past year dated 13/09/10 (after the play area closed). The cleaning crews who visit the park daily report that the litter bins were well used and the site was usually clean (especially for a play area). There was no evidence of drug paraphernalia but there were sometimes a couple of drinks cans.

In relation to the impact of the increased parking on local streets, this has been addressed above. For the reasons identified, it is considered that the likely levels of on-street parking arising as a result of the development are not likely to be so significant as to cause significant harm to the residential amenities of occupiers of neighbouring properties.

Potential flood risk

Part of the site lies within flood zones 2 and 3. PPS25 provides guidance on Development and Flood Risk. The development is not one requiring formal consultation with the Environment Agency as part of the planning application. The play equipment has been sited so that drainage from the site will not be impeded and the safety surfacing is either matting placed over the existing grass or bark. The surface is therefore permeable.

As well as any consultation required in relation to a planning application, Flood Defence Consent is required from the Environment Agency for works within 8m of a

main river. The applicant has confirmed that no structures have been constructed within 8m of the watercourse.

Concerns have been raised about flooding of the site from an overflowing manhole cover at the top of the path leading to Southbourne Crescent. The applicant states that this has been raised with Thames Water and the Environment Agency (the effluent flows into Mutton Brook). Thames Water have visited the site twice and Greenspaces are awaiting their proposals to prevent future spillage. Should the manhole overflow before action is taken by Thames Water, measures have been put into place, namely bunds built next to the path, to prevent effluent entering the play area. Thames Water would then be called to cleanse the affected area. Once this has happened there would be no residual risk to public health.

It is considered that the development does not conflict with the requirements of PPS25 and that there is no increased risk of flooding arising from the development.

Ecological Issues

The site is designated in the adopted UDP as part of a Site of Borough Importance for Nature Conservation. It also forms part of a green chain and green corridor and adjacent to the route of a metropolitan walk. The part of the site on which the play equipment has been placed is an area of mown grass which in itself has limited ecological interest. Other parts of the wider designations are more heavily wooded and less maintained and it is those parts which may have greater ecological importance. The trees within the play area have been inspected by greenspaces and some maintenance works to remove dead limbs and selectively lift the canopy of a willow have been carried out. An ash has been identified that is badly diseased and liable to fall. The tree has been heavily reduced and retained as a monolith which may extend its life whilst increasing its biodiversity value and minimising risks to the public.

It is considered that the use of the site as a play area will not have any significant harmful impact on the ecological value of the area and would not conflict with PPS9 or policies O12, O13 and O15 of the Adopted UDP.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of objections raised have been addressed above. Other comments raised:

- scale of the playground is too large - up to 14 year olds. *This relates to the need identified by Greenspaces for children of different ages.*
- a similar playground scheme at the Welsh Harp has had a devastating result. *Each site is considered on its own merits. York Park has its own particular site specific issues.*
- there are no toilet facilities and children use the area itself or knock on neighbouring houses. *Local play areas such as this rarely have toilet facilities as they are not designed for the longer visits associated with district parks.*
- majority of people using the play area are not very local residents but live a few streets away. *The play area is designed for the whole local community not residents of specific streets.*
- the way in which the play area was installed without the appropriate authority and without planning permission is unacceptable. *The authority acted in good faith at the time and is seeking to rectify the situation.*
- the fact that the play area has been opened and then closed means that the determination of the application has been biased. *The application is judged on its*

planning merits, regardless of the fact that it is retrospective.

- more weight should be given to the views of people who live near the play area rather than those who use it who live further away. *The application will be judged on its planning merits in the public interest.*
- Local Safer Neighbourhood Team was not told about the play area. SNT officers do not patrol at night when anti-social behaviour problems occur. *The SNT were involved in the original community consultation exercise.*

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. The play area was designed with the community with a focus on providing access to all children with the pieces of equipment and access designed to enable both children with and without disabilities to use and play together.

5. CONCLUSION

It is recognised that Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. The application must be judged on its planning merits in the public interest irrespective of the fact that it is retrospective.

Furthermore, it is acknowledged that the planning system does not exist to protect the private interests of one person against another and that the basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

There is an identified need for a play area in the locality in accordance with planning policy. However, the site is located within Metropolitan Open Land whose functions, openness and visual amenity should not be harmed by the development. As discussed in the report, it is considered that the development complements the existing functions of the open space and would not cause undue harm to its openness or visual amenity. The development would be in keeping with the character and appearance of the area. To be weighed against the positive benefits of the proposals to the local community, are the impacts on the residential amenities of neighbouring residents. Some residents have clearly experienced noise nuisance when the play area was in operation and there is a fear of potential anti-social behaviour. The question of noise nuisance arising from children playing is a subjective one. Some people like to hear children playing, others consider it an intrusion. It is considered given the likely numbers of users of the play area at any one time and their dispersal during the day, that the resultant noise will not be continuous and will not be so significant as to cause serious harm to the residential amenities of occupiers of neighbouring properties. Some residents are concerned about rising crime levels and anti-social behaviour. However there is no firm evidence that such activity has or will increase directly as a result of the development in what is already a publicly accessible space crossed by footpaths.

It is recognised that the development will bring undoubted benefits to the wider community and it is considered that the proposal would not affect the amenities of neighbouring residents to an unacceptable level so as to outweigh those community benefits.

The proposal is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Land at Brookside Walk, Bridge Lane NW4

REFERENCE: H/03451/10



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