

**PLANNING & ENVIRONMENT COMMITTEE MEETING**

**Wednesday 16<sup>th</sup> February 2011, 7.00PM**

**ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT**

**AGENDA ITEM 1 – Pages 1-16**

**Reference: B/05067/10**

**Address: Sarnes Court, Oakleigh Road South, London, N11 1LG**

Add the following condition:

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 occupied.

Reason:

To ensure a satisfactory appearance to the development.

**AGENDA ITEM 3 – Pages 90-101**

**Reference: B/05104/10**

**Address: Land on the corner of, Pert Close & Alexandra Road, Muswell Hill, London, N10 2RY**

Amend Condition 1 to read:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Design & Access Statement (received 23/12/2010), Site Plan 01, Ground Investigation Report, Environmental Noise Survey, Arboricultural Statement, Landscape Maintenance & Management Specification, CBA7604.02, AL2327/2.3/01, AL2327/2.1/01, AL2327/2.1/02, AA2288/2.1/01, Energy Statement, Code for Sustainable Homes Statement, Sustainability Statement (received 04/01/2011), AA2288/2.3/20 (received 09/02/2011), AA2288/2.1/10B, AA2288/2.1/12A, AA2288/2.1/13A and AA2288/2.1/14 (received 16/02/2011).

Reason:

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

Amend Condition 3 to read:

The levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be in accordance with Plan No. AA2288/2.1/10/A received 09/02/2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

Amend Condition 4 to read:

Before the development hereby permitted commences, details of all the materials to be used for the external surfaces of the building(s) and hard surfaced areas 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 the locality.

## **AGENDA ITEM 6 – Pages 114-124**

**Reference: H/0003/11**

**Address: West Way Open Space, West Way, Edgware, Middx**

After the consultation period expired the following representations were received –

16 letters of support which may be summarised as follows:

- It would assist with neighbourhood and bring a sense of community
- Proposal would help children be fit and healthy
- It will be well used by local families
- There is a lack of local play facilities
- There will be no parking issues as people will walk
- Currently just wasted land

3 letters of objections which may be summarised as follows:

- Would increase anti social behaviour
- Health and safety of children

The registered speaker has confirmed he cannot attend the scheduled Planning and Environment meeting due to business commitments. However he would like the following views represented at the meeting –

1. Ensure the safety and security of the area is guaranteed. The police have visited me to ask my support for this matter. A secure lockable fence and good lighting.
2. No benches are added to the sight as this is an invitation to undesirable elements.
3. Increased cleaning of the area and added bins.
4. Clearing of dog faeces from the area.

### Additional Condition

Before the development hereby permitted commences, details of the proposed new entrance gates 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 the locality and users of the Open Space.

### Page 120

#### Planning Considerations Additional Points

There is currently secured existing fencing, approx 2m in height in place to safeguard children from the substation, which entirely encloses the sub station perimeter. This is standard fencing used at sub-stations located in public areas including parks, near footways and school sites in the borough. The fencing is felt to be substantial enough to protect the sub-station from unauthorised access, and already has planting throughout most of its length excepting the area of access. It is also recognized that the play areas are intended to be used by young children who will be accompanied by parents / guardians.

The new kissing gate will be a modification of the current gate situated at the entrance to ensure prams and buggies will be able to gain access through this entry point. There is a condition attached within the addendum to the report asking for gate details to be agreed prior to development commencing.

There will be no physical structure erected to prevent dogs accessing the play equipment. As part of Greenspaces management, signage will be erected advising that dogs should be kept on a lead and fouling should be removed. The play area will be cleaned daily Monday to Friday during the busier summer period. There currently is a provision of two dog bins for the area, which is considered sufficient for this sized open space. It will be the responsibility of the dog owners to respect the area as a play space for children. Other open play areas with un-restricted access were installed in 11 parks during 2009/10, and there have been very few issues with dogs on these sites.

Some residents raise concerns about a potential increase in anti-social behaviour. The Safer Neighbourhood team confirm they are not aware of any specific Anti Social Behaviour (ASB) issues recently in the open space area. The London Borough of Barnet Priority intervention officers for that area also are not aware of any ASB issues.

## **Pages 10-15 of the referral report**

**Reference: F/04899/10**

**Address: Beacon Bingo Hall, 200 Cricklewood Broadway, London, NW2 3DU**

### Additional Conditions

#### Condition 3

Any lighting to be situated on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of surrounding residents.

#### Condition 4

The material hereby approved to be used for the roof of the smoking shelter is to be obscure polycarbonate unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenities of surrounding residents.

### Planning Considerations Additional Points

Planning permission was granted in November 2008 for the retention of lean to smoking refuge and wire mesh fence enclosure. No conditions were imposed relating to the use of the enclosure and any use incidental to the Bingo Hall use would be lawful. The installation of slot bingo machines in this structure would not be development requiring planning permission.

The Health Act of 2006 prevents smoking within an enclosed or substantially enclosed premises, therefore planning permission is being sought to erect an external smoking shelter to cater for the demand from Bingo Hall customers.

It is not for the Local Planning Authority to determine whether Beacon Bingo needs a further smoking shelter in addition to the one already approved and in use. Rather, it is the role of the Authority to assess any potential impact that the proposed shelter would have on the local environment. In this respect it is not considered that there would be any harm to the local environment caused by the erection of a wire mesh smoking enclosure, a similar proposal has already been approved under application reference F/03625/08 in November 2008. The proposed smoking shelter will have a similar appearance to that already approved at the rear of the building and therefore it is not considered that the proposal would be inappropriate within its context. No harm was identified to the local area in the previous planning application and the new proposal is not considered significantly different and there have been no significant material changes to the surrounding area that would mean the proposed smoking shelter would give rise to any harm that would warrant a reason for refusal. The proposal is sited at the far end of the car park and would not be visually prominent when viewed from Depot Approach. There are no residential properties in close proximity to the proposed smoking shelter.

The roof of the proposed smoking shelter is obscure polycarbonate this prevents any view into the smoking shelter from the children's playground above. It is recommended that a planning condition requiring the roof to be obscured polycarbonate be placed on any approval.

Due to its siting adjacent to the existing smoking shelter, the proposal will help obscure the views into the existing smoking shelter from the playground.

Concerns have been raised regarding the potential for bingo machines to be installed in the proposed smoking shelter and the social impacts this may have on the children within the playground. It is true that without a planning condition restricting the use of the proposed shelter then bingo machines could be installed without requiring planning permission. However, imposing such a condition would not be considered to be reasonable thus falling foul of the requirement set out in Circular 11/95 (Planning Conditions).

It should also be noted that the determination of the application should be made on any potential impact on the local environment and not on moral judgments. This is supported in the case *Finlay v Secretary of State for the Environment* (1983) JPL 802, the Secretary of State had dismissed an appeal against an enforcement notice which had alleged an unauthorized use of a house as a private members' club. The club was known for showing sexually explicit films to members. In his decision letter the Secretary of State had referred to the fact that this could alter the environmental character of the area by introducing a use detrimental to residential amenities. In dismissing a challenge to the secretary of State's decision, the High Court held that far from making any moral judgment on the type of films shown, he was making a planning judgment on whether the use adversely affected the local environment.