

LOCATION: Beit Shvidler Primary School, 261 Hale Lane, Edgware, Middx, HA8 8NX
REFERENCE: H/03319/13
WARD(S): Edgware
APPLICANT: Beit Shvidler Primary School

Received: 28 July 2013
Accepted: 07 August 2013
Expiry: 02 October 2013
Final Revisions:

PROPOSAL: Installation of playground equipment

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Area Plan, AC101 Dart Activity Centr, CH101 Chin Up Bars, CH105 Moving Beam, CH127 Climbing Wall, CH128 A- Frame Double Net, CH133 Vertical Twisted Net, T121 Goal & Basketball Net, Site Plan, M.U.G.A Court for Beit Shvidler, Early Years Trail for Beit Shvidler, Landscape Plan received 07/08/2013 Annotated version of 282/900 P3.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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 The outdoor play areas including the area under the canopies shall not be used before 8.00am or after 4.30pm Monday to Friday or at any time on a Saturday, Sunday, Public Holiday or during school holidays, except on up to a total of 12 occasions in any calendar year when the play areas can be used between 8am and 6pm on a weekday, Saturday or Sunday.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with policies DM01 and DM13 of the Adopted Development Management Policies 2012.

INFORMATIVE(S):

1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS9, CS10, CS15.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM13, DM17.

Supplementary Planning Documents and Guidance

The Council has adopted two supporting planning documents to implement the Core

Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

Relevant Planning History:

Site Address: 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/02498/10
Application Type: Non-Material Amendment
Decision: Approve with conditions
Decision Date: 19/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Non-material minor amendment to planning permission H/03150/08 granted 27/10/08 to include reduction in size of the nursery building; reduction of depth of front block (Elevation E-E); omission of single storey lean-to to east side, central section and addition of single storey lean-to to internal courtyard (Elevation E-E); reduction in and alterations to glazing on elevations; omission of external playground WCs.**

Case Officer: Graham Robinson

Site Address: Former 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/02291/11
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 09/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of part single, part two storey single form entry primary school and nursery. Variation to approved scheme to include enlarged playground, amended materials, means of enclosure and environmental standard (Conditions 4,8,11,12,13, 16 and 30 pursuant to planning permission H/03150/08)**

Case Officer: Graham Robinson

Site Address: 261 Hale Lane, Edgware, Middx, HA8 8NX
Application Number: H/04845/11
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 20/06/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Application for variation of plan numbers and landscaping details including new canopies at rear playground area. Relocation of plant equipment at roof level. Alterations to landscaping details. (Amendment to planning applications H/03150/08 and H/02291/11). Amended plans received showing details of security hut and roof plant. (AMENDED PLANS RECEIVED)**

Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 193 Replies: 80
Neighbours Wishing To Speak 2

73 letters of support were received

A petition with 88 signatories on behalf of the school has been submitted.

7 letters of objection were received

The objections raised may be summarised as follows:

- Noise and disturbance
- Neighbouring gardens are short and therefore more likely to be affected
- Existing play areas are used outside playground hours
- An up to date acoustic survey should be done
- Acoustic fence has been ineffective - more effective barriers could be provided

1 comment was received advising that the use should be restricted to the approved hours and no floodlights should be constructed.

Internal /Other Consultations:

- Environmental Health - comments incorporated in main report

Date of Site Notice: 15 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is Beit Shvidler School.

The application site is situated on the south side of Hale Lane between the junctions of Golders Close and Heather Walk. The site abuts the rear gardens of residential properties in Golders Close, Penshurst Gardens and Heather Walk and adjoins the boundaries with Kenlor Court and Hunters Lodge on Hale Lane. The site slopes upwards from east to west and also from south to north.

A planning application for Demolition of existing buildings and erection of part single, part two storey single form entry primary school and nursery was approved on 27/10/2008.

A subsequent planning application for Variation to approved scheme to include enlarged playground, amended materials, means of enclosure and environmental standard was approved on 09/09/2012.

Proposal:

The proposals are for the installation of playground equipment.

The play equipment would comprise:

- Installation of early years trail area to the west part of the playground
- Installation of black wetpour on playground and play equipment comprising Log walk, A-Frame climbing net, moving beam, Dart activity centre, and chin up bars.
- Installation of Multi Use Games Area with 3m high fencing to east side.

Planning Considerations:

The main issues are considered to be:

- Whether the proposals would harm the character and appearance of the general locality
- Whether the proposals would harm neighbouring amenity

Whether the proposals would harm the character and appearance of the general locality

The play equipment would not be visible from public viewpoints other than glimpsed views through the site. It would be potentially visible from the rear gardens of houses on Penshurst Gardens, Heather Walk and Golders Rise though these views would be obscured by existing screening.

Given that the site is occupied by a school, it is considered that the proposed play equipment would not harm the character and appearance of the general locality.

Whether the proposals would harm neighbouring amenity

The application follows previous approvals for the school buildings themselves and for amendments including increases to the height of the playground.

It was recognised at the time of the previous applications that the school use had potential to cause noise and disturbance to neighbouring residents. Acoustic fencing was provided as potential mitigation for this impact. A noise report accompanied the application.

Objections have been received to the current application on the grounds that the proposed play equipment will concentrate children in the areas on the edge of the site closest to residential properties.

Residents have requested a further noise report.

Environmental Health officers have been consulted as part of the assessment of the proposals. In this case, changes in noise levels are likely to be difficult to quantify in a technical report. A further noise report is not considered necessary in order to assess the proposals, due to the difficulties in doing a report on this kind of development. Predicting noise from children playing on different equipment is not

likely to give robust or reliable results.

It is possible that the proposals would concentrate children at a height and location that would give rise to some additional noise and disturbance that may be perceptible to neighbouring residents. It should be noted that the use of the playground areas is limited by an existing condition that reads:

'The outdoor play areas including the area under the canopies shall not be used before 8.00am or after 4.30pm Monday to Friday or at any time on a Saturday, Sunday, Public Holiday or during school holidays, except on up to a total of 12 occasions in any calendar year when the play areas can be used up until 6pm on a weekday, Saturday or Sunday.'

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties.'

This existing safeguard needs to be considered as part of the assessment of the application as the condition would remain.

The request for a noise report has been suggested to the applicant but has not been provided as part of the application. Notwithstanding that no report has been submitted, it should be considered what, if any, further mitigation could be provided. Looking at this issue it is envisaged that there would not be any further mitigation that could be provided. A higher fence or fence of alternative design is unlikely to be visually acceptable, so the only purpose of a noise report would be to demonstrate potential noise levels, which are likely to be subjective in any case.

It is considered that whilst the proposals may result in some additional noise and disturbance, given the condition limiting the hours of use of the playground, this in itself would not be harmful enough to the residential amenities of neighbouring residents to warrant refusal of the application. Furthermore this must be considered against the benefits that improved play equipment would provide for children at the school.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report

Existing play areas are used outside playground hours - *The use of the playgrounds outside the lunchtime hours but within the hours specified by the condition is permitted*

Acoustic fence has been ineffective, more effective barriers could be provided - *This is noted but in the opinion of the case officer such a boundary treatment would be unlikely to be of an acceptable appearance.*

Use should be restricted to the approved hours and no floodlights should be constructed. - A condition on the existing permission restricts hours of use and floodlighting. Some low level lights have been approved but no floodlighting.

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.

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
Edgware, Middx, HA8 8NX

Beit Shvidler Primary School, 261 Hale Lane,

REFERENCE:

H/03319/13



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013.
All rights reserved. Ordnance Survey Licence number LA100017674.