

LOCATION: Northway Gardens, Falloden Way, London
REFERENCE: F/03965/13 **Received:** 03 September 2013
Accepted: 13 September 2013
WARD(S): Garden Suburb **Expiry:** 08 November 2013
Final Revisions:

APPLICANT: London Borough Barnet
PROPOSAL: Extension of fencing around the children play area to provide 147m² of additional children play area (AMENDED DESCRIPTION AND AMENDED PLAN - note that the amendments have resulted in a reduction of 118m² when compared to the proposals advertised on 18th October 2013)

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Aerial photo showing existing playground
Drawing Q-035777-Y5V3-C rev 8 received 06/11/2013
Fencing specification
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 fencing to be used shall match the fencing used in the existing perimeter of the existing playground.
Reason:
To safeguard the visual amenities of the surrounding conservation area in accordance with policies DM01 and DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 The ash tree to be enclosed within the playground shall be retained.
Reason:
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

INFORMATIVE(S):

- 1 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.

- 2 Under the terms of the Water Resources Act 1991, and the Thames Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Mutton Brook, designated a 'main river'.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 5.3 – Sustainable design and construction
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 7 Enhancing and Protecting Barnet's Open Spaces
- Policy CS 15 Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations
- DM06 Barnet's Heritage and Conservation
- DM15 Green Belt and Open Spaces
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Hampstead Garden Suburb Conservation Area Character Appraisal (2010)
- Hampstead Garden Suburb Conservation Area Design Guidance (2010)
- Barnet SPD: Sustainable Design and Construction (June 2007)

Relevant Planning History: None relevant

Consultations and Views Expressed:

Neighbours Consulted: 32
Replies: 15
Neighbours Wishing To Speak 1

The 14 objections raised may be summarised as follows:

- quality of drawings scanned
- congestion and parking

- teenagers smoking and drinking, use of drugs
- no reason to increase the playground
- noise and disturbance
- the playground should remain for infants
- impact of new play equipment
- increase in vermin

1 letter of support was received

Internal /Other Consultations:

- Environment Agency - no objection
- Conservation and Design - no objection
- Hampstead Garden Suburb Conservation Area CAAC - no objection

Date of Site Notice: 26 September 2013

This application was reported to the West Area Planning Sub-Committee on 06 November 2013. Following the referral of the application to the Sub-Committee, the applicant met with residents and decided to reduce the size of the enclosure. Due to this amendment the application was withdrawn from the agenda at this meeting in order for officers to conduct a further round of public consultation (attracting 3 further letters of objections) which has been carried out.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located within recreational grounds between Oakwood Road and Falloden Way. It consists of an existing children playground to the west of the path linking both roads. The site is located within the Hampstead Garden Suburb conservation area. This part of the Borough is within the Mutton Brook flood zone. Northway Gardens forms a green corridor between Falloden Way and Oakwood Road.

Proposal:

The application seeks planning permission for the extension of the existing fencing around the children play area to provide 147m² of additional children play area.

It should be noted that the application was originally submitted for an increase of 135m². It was later amended to 265m² and a second round of public consultation followed. As explained above, following the referral of the application to the November West Area Planning Sub-Committee, the applicant met with residents and decided to reduce the size of the enclosure to 147m² of additional space which forms the basis of the application currently considered. A third round of public consultation was carried out.

For clarification, the application solely relates to fencing and not to the replacement

of children play equipment. This is discussed in more details in the comments on the grounds of objection section below.

Planning Considerations:

The main issues in this case are whether or not the alterations to the fencing would:

- protect or enhance the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area
- have an acceptable impact upon the amenity of the occupiers of the neighbouring property
- have an acceptable impact on trees of special amenity value
- be acceptable in terms of flooding

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Policy DM15 states that open space will be protected from development. In

exceptional circumstances loss of open space will be permitted where it can be satisfied that the development proposal is a small scale ancillary use which supports the use of the open space. It is considered to be the case of the application which therefore complies with this policy.

The proposed fencing is similar to the existing and would not harm the character and appearance of this part of the Hampstead Garden Suburb conservation area.

The proposed fencing result in an Ash tree being enclosed within the playground. A planning condition is recommended to ensure that this tree is retained. The fencing would not impact detrimentally on other trees in the vicinity of the site.

The use of the site as a playground for younger children would not change as a result of the proposals and it is considered that the increase in area would not result in any significant increase in noise, disturbance and general activity which would warrant refusal for the application. The proposals are also not considered to generate any increase in traffic that would detrimentally impact on the residential amenity of neighbouring residents or cause prejudice to the free flow of traffic in neighbouring streets.

As conditioned, the proposals would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees of special amenity value and the conservation area more generally.

The Environment Agency has been consulted in relation to the proposals and have not objected.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are generally considered to have been covered in the above appraisal.

A number of objections have been received in relation to replacement play equipment. The installation of play equipment is not proposed as part of this application. It should be noted that such development does not usually require planning permission as it constitutes permitted development under Class A, Part 12 of the General Permitted Development Order (1995) (as amended).

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 proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees and the conservation area more generally. There are no objections on flooding grounds. **APPROVAL** is recommended.

SITE LOCATION PLAN: Northway Gardens, Falloden Way, London

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