

**Location**                     **Barnet Burnt Oak Leisure Centre Watling Avenue Edgware HA8  
0NP**

**Reference:**                   **16/2838/S73**                     Received: 28th April 2016

Accepted: 28th April 2016

**Ward:**                         Burnt Oak

Expiry 23rd June 2016

**Applicant:**                   Mr Brian Page

**Proposal:**                   Variation of condition 1 (Hours of Use) of planning permission  
H/011110/14 dated 06/05/14 for, 'Variation of condition 1 (Hours of Use)  
of planning permission W/01483M/05 dated 23/03/05 for ('Variation of  
Condition 10 of planning permission reference W01483D/01 dated  
12.09.01 to extend opening hours of the centre only by one hour from  
9am to 8am, Monday-Friday.) Variation is to allow the centre to open  
at 7.30am Monday to Friday.' Variation to extend the opening hours of  
the Gym and studio to 6.45am to 10pm Mondays to Fridays only

**Recommendation:** Approve subject to conditions

- 1     The Leisure Centre and car-park shall not be open to the public before 07.30 or after 21.00 on Mondays to Fridays and before 09.00 and after 18.00 on Saturdays, Sundays or Public Holidays excluding the gym, studio and car park (for users of the gym and studio only ) to the Leisure Centre that shall be open to the public at 06.45am - 10.00pm Monday - Fridays . The external areas (excluding car park) shall not be open to the public before 09.00 or after 21.00 Mondays to Fridays and before 09.00 or after 18.00 on Saturdays, Sundays or Public holidays.

Reason: To protect the amenities of adjoining residential occupiers.

**Informative(s):**

- 1     The plans accompanying this application are:  
  
      Noise Impact Assessment; Application Form
- 2     In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals,

focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises of a large detached purpose built sports building known as 'Burnt Oak Leisure Centre' located to the south of Watling Avenue with Mostyn Road to the east, Blundell Road to the south and Montrose Avenue to the west.

The building is set back from the main highway of Watling Avenue, to the rear of the residential properties with vehicle access sited in between no's 204 and 206 Watling Avenue.

The leisure centre features an indoor gym studio and sports hall positioned on the western side of the site, tennis courts located in the northern corner, a turfed pitch in the centre of the site and open fields at the southern and eastern corners.

A car park is located to the northeastern boundary of the site and is accessed from Watling Avenue.

The application site is located within the Watling Estate Conservation Area.

The leisure centre is bounded by residential gardens of dwellings facing onto Watling Avenue and Blundell Avenue separated by a buffer of high dense trees.

The site currently operates between 7.30 to 21:00 Monday to Friday and 09:00 - 18:00 Saturdays, Sundays and Public Holidays.

### **2. Site History**

Reference: 15/07006/S73

Address: Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, HA8 0NP

Decision: Refused

Decision Date: 29 February 2016

Description: Variation of condition 10 (Opening hours) of planning permission W01483D/01 dated 12/09/2001 for 'Construction of part single, part 2 storey sports and community centre with associated car parking. Variation to include change of hours from Monday to Friday 7.30am - 9pm to 6.45am - 10pm

Reason:

'Insufficient information has been provided to accurately determine potential noise effects on the amenity on adjoining residential occupiers. In the absence of this information, the development would have a detrimental impact on the amenity of neighbouring occupiers contrary to Policies DM01, DM04, DM06 and DM13 of the Barnet Development Management Plan DPD and Policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the adopted Barnet Core Strategy.'

Reference: H/01110/14

Address: Barnet Burnt Oak Leisure Centre, Watling Avenue, Edgware, HA8 0NP

Decision: Approved subject to conditions

Decision Date: 6 May 2014

Description: Variation of condition 1 (Hours of Use) of planning permission W/01483M/05 dated 23/03/05 for ('Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday-Friday.) Variation is to allow the centre to open at 7.30am Monday to Friday.

Reference: W01483M/05

Address: Barnet Burnt Oak Leisure Centre Watling Avenue Edgware Middlesex HA8 0NP

Decision: Approved with conditions

Decision Date: 23 March 2005

Description: Variation of Condition 10 of planning permission reference W01483D/01 dated 12.09.01 to extend opening hours of the centre only by one hour from 9am to 8am, Monday to Friday.

### **3. Proposal**

The proposal seeks consent for:

The variation of condition 1 (Hours of Use) of planning permission H/01110/14 dated 06/05/14 for the 'variation of condition 1 (Hours of Use), of planning permission W/01483M/05 dated 23/03/05 for variation of condition 10 of planning permission reference W01483D/01 dated 12/09/01 to extend opening hours of the centre only by 1 hour from 9.00am to 8.00am, Mon - Fri.) Variation is to allow the centre to open at 7.30am Monday to Friday'. Variation to extend the opening hours of the gym and studio to 6.45 to 10pm Mon- Fridays only.

### **4. Public Consultation**

Consultation letters were sent to 202 neighbouring properties.

10 letters of support have been received that make the following points:-

- o Extending the opening hours especially in the morning would be beneficial to the local community
- o Impact on the surrounding area would be minimal given that main road is in close proximity and generates noise.
- o Burnt Oak needs to offer what the public want. Need to compete with other areas and have good amenity and facilities.

5 objection representations have been received that raise the following:-

- o Noise and disruption.
- o People in surrounding properties should be entitled to peace and quiet.
- o Suffering on a daily basis with spotlights blaring in our windows.
- o Cannot open our windows to people shouting and loud speakers.
- o Residential area

#### **4.1 Internal Consultation**

Environment Health - No objection

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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 2015

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 2050. 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.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM13

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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 DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:-

- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

The impact on the amenity of adjoining properties and the character and appearance of the conservation area.

'Burnt Oak Leisure Centre' is bounded by residential gardens of dwellings facing onto Watling Avenue and Blundell Avenue separated by a buffer of high dense trees.

The site currently operates between 7.30 to 21:00 Monday to Friday and 09:00 to 18:00 Saturdays, Sundays and Public Holidays.

This application seeks to limit the extended opening hours to just the gym and studio located inside of the leisure centre from 7.30 - 9.00pm Mon - Fri to 6.45am - 10.00pm Mon - Fri 45mins earlier and one hour later.

A detailed Noise Impact Assessment has been submitted with the application that concludes that the current patron and vehicle traffic during the first 30mins and last 15mins of the existing centre operating hours are very low and it is therefore assumed that should the opening hours be extended similar numbers would be using the facility during the hours of 6:45 - 7.30 and 21.00 -22.00.

The report shows that noise generated during the extended operating hours would be lower than the existing ambient background noise profile of the area and therefore the impact on nearby receivers would not be significant.

Based on this submitted information Environmental Health assessed the report and are satisfied with the more detailed Noise Assessment Report and its contents and have raised no objection to the opening hours of the gym and studio being extended Mon - Fri.

It is considered that overall the low usage of the leisure centre gym and studio between 6.45am - 7.30 and 9.00 -10.00pm involving the use of the car park and the noise levels associated with a car park would not generate any significant increase in noise above the existing ambient noise profile of the area and the existing road traffic on Watling Avenue.

In addition the buffer of high, dense trees on the boundary of the site with the rear gardens of properties aids any noise or disturbance generated.

Furthermore, the leisure centre is a community public facility that needs to remain competitive in the market in order for it to stay open and provide facilities that the public demand. The gym and studio remains a small aspect of the whole centre and the extended opening hours of these facilities would remain inside of the leisure centre and where the hours would be conditioned at any approval. As such, it is not considered that the proposal would result in any detrimental impact on the amenity of adjoining residential properties or the character of the surrounding area above its present status.

The proposed extended opening hours to the gym and studio and its associated comings and goings are considered reasonable and would not result in any additional noise or disturbance to the character and amenity of nearby residential properties as to justify a refusal of the application on this basis.

The proposal does not propose any additional structures or any other feature that would harm the character or appearance of the conservation or heritage values.

Taking all of the above into account, it is considered that the proposed extended opening hours are reasonable and appropriate and relate to the character of the surrounding area. For the reasons outlined above, the proposal is considered to have a satisfactory relationship to the adjoining properties subject to the attachment of appropriate conditions. Accordingly, the proposed development, on balance is considered acceptable in compliance with Policy DM01, DM02 and DM06 of the Development Management DPD, policy CS5 of the Barnet Core Strategy.

#### **5.4 Response to Public Consultation**

With regard to the impact of the extended opening hours on the amenity of neighbouring residents, it is considered that there are residential properties in close proximity to the application site, and concerns have been raised from residents in respect of noise. However, in this instance it is considered that the proposed extension to opening hours would be restricted to just the gym and studio inside of the building and the car park which would be controlled by condition. As such, it is considered that there would not be an adverse impact on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would have an acceptable impact on the character and appearance of the application site, the surrounding area and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

