

Delegated Report Members Briefing		Analysis sheet		Expiry Date:	28/09/2010
		N/A		Consultation Expiry Date:	07/09/2010
Officer			Application Number		
John Sheehy			2010/4205/P		
Application Address			Drawing Numbers		
Fortune Green Play Centre Fortune Green Road London NW6 1UE			Refer to draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Erection of a two storey building comprising nursery and ancillary uses following demolition of existing single storey pitched roof log cabins, retention of existing adventure play equipment, replacement of existing floodlit football pitch with a floodlit multi-use games area, erection of a ramp and associated works to existing nursery.					
Recommendation:		Grant conditional permission			
Application Type:		Councils Own Permission Under Regulation 3			

Conditions:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	80	No. of responses No. electronic	3 1	No. of objections	1
Summary of consultation responses:	<p>Site Notice displayed from 13th of August 2010 to 3rd of September 2010.</p> <p>On objection received form the occupier of Flat 106 Alfred Court 53 Fortune Green Rd “The roof of the proposed development will obscure the current view that I have to the north/west of London. Furthermore, the siting of the proposed building so close to my property will mean that there will continual disturbance of noise from youths and parents congregating at the main entrance to the new building at early mornings and in late evenings and at night... The proposed building will create a much larger number of visitors and users to the site, which will generally be of a nuisance to all the occupiers of the flats in Alfred Court which directly look over the proposed development. The floodlighting to the pitch will also be a nuisance with the lighting shining directly into my bedroom which is only some 10 metres from the proposed pitch”.</p> <p>The following neighbours commented on the application: nos. 92 and 94 Agamemnon Road. In summary the following points were made:</p> <ul style="list-style-type: none">• The application is generally supported;• Reassurance sought on the use of the multi-use games area in terms of access and timing and which age groups of young people the area would be available for. It is important for older children and young people to have access to the facilities though there are issues over noise and when the facilities are to be used;• New facilities could see an increase in parking and people being dropped off and collected;• New uses and hire of premises for events could cause more parking and noise problems.					
CAAC/Local groups comments:	<p>Gondar and Agamemnon Residents Association, support with conditions: “GARA requests that opening hours for the sports pitch are limited to 10pm to minimise late night disturbance generated by users and their transport. GARA requires a condition to be placed on the consent that requires any damage to Fortune Green through the construction process to be made good. GARA requests that construction traffic is banned from using Gondar and Agamemnon Road due to the tight corners on these roads”.</p> <p>West Hampstead Amenity & Transport Group, welcomes the new premises for the Sington Nursery and the replacement of the existing football pitch. In summary the following points were raised</p> <ul style="list-style-type: none">• Can access to the site be designed so that the adventure playground facility can be used more widely?;• The community use aspects of the site need clarification;• The application seems to display little real enthusiasm for community use despite such use being vitally needed in this area;• Group would like to see some more thought going into how this underused and inaccessible Centre will be integrated locally.					

Children Schools and Families Directorate

“CSF is fully supportive of the proposed application for the following reasons:

The proposed redevelopment of Emmanuel primary school means that CSF urgently needs an alternative permanent home to be found for Sington Nursery a successful voluntary sector nursery run by Camden Community Nurseries. Sington are temporarily housed in a building at Broomsleigh Street Hall which does not meet their needs as no direct access is available to areas for external learning and play.

The redevelopment of the Fortune Green site would provide a permanent provision for a nursery and offer a suitable provision for Sington Nursery to lease;

The existing Play Centre buildings, which CSF leases from Corporate Services, are past their useful life and the administration building is not fit for purpose;

The existing pitch is on a slope and does not conform with Sport England standards, the new facility that is proposed would be compliant;

The existing pitch is not accessible to the community and the relocated pitch would enable full access by arrangement;

The development would offer opportunities for natural play; and

The inclusion of a multi-purpose space that can be independently accessed can offer opportunities for use by the community.”

Site Description

The site is rectangular in shape and is located between Fortune Green Open Space to the south and Hampstead Cemetery to the north and west. To the east of the site is a recently constructed 5-storey residential building (Alfred Court 53 Fortune Green Road). The site is designated as a Private Open Space; Fortune Green is designated as a Public Open Space. Hampstead Cemetery is a Public Open Space and Site of Nature Conservation Importance.

As existing the site comprises a series of play spaces and landscaped areas, including a floodlit football pitch, with a number of single-storey structures housing an administration block and a play building.

None of the buildings on the site is listed, nor is the site located within a Conservation Area.

Relevant History

August 2010 Planning permission granted subject to S106 for works to facilitate expansion of Emanuel Primary school at 152-160 Mill Lane (including demolition of nursery at 160 Mill Lane) and works to school site at 101 Mill Lane, ref. 2010/0720/P.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 Amenity for occupiers and neighbours
SD7 Light, noise and vibration pollution
SD8 Disturbance
B1 General design principles
B3 Alterations and extensions
N2 Protecting Open Space
N5 Biodiversity
N6 Nature Conservation Sites
N7 Protected species and their habitats
N8 Trees
C1 New Community Uses
C3b Play Facilities
T3 Pedestrians and Cycling
T12 Works affecting highways

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound.

This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter.

However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

CS10 Supporting Community facilities and services
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity
DP15 Community and Leisure Uses
DP17 Walking, Cycling and public transport
DP21 Development Connecting to the Highway Network
DP22 Promoting Sustainable Design and Construction
DP24 Securing High Quality Design
DP25 Conserving Camden's Heritage
DP26 Managing the impact of development on occupiers and neighbours
DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities

Assessment

Proposal: the following works are proposed:

- erection of a 2-storey pavilion building comprising nursery, play centre and multipurpose room following demolition of existing single storey pitched roof log cabins,
 - the pavilion building would be circular in plan, would measure 507m² (compared to the existing 276 m²) and would be linked to the retained adventure playground at the east of the site by a ramp;
- replacement of existing floodlit football pitch with a floodlit multi-use games area in the western corner of the site;
- enhancement of boundary and fencing addressing Fortune Green.

Permission has been granted for the demolition of the Sington Nursery as part of the Emmanuel School expansion. This proposal involves the relocation of the nursery to the application site and general enhancement and upgrading works.

The proposal has been developed through consultation/ play activities with staff and children both of the Play Centre and Sington Nursery. An Open Day was held on 4th of March 2010 at Sington Nursery in the morning and Fortune Green Play Centre in the afternoon and evening - neighbours and local groups were notified of this Open Day in advance.

Assessment

The principal considerations material to the determination of this application are:

- Land Use;
- Design/ impact on setting including designated open space;
- Landscaping Trees;
- Biodiversity; and
- Transport.

Land Use

This proposal relates to an existing nursery/ play centre (Class D1). Permission is sought for redevelopment of the site to provide improved facilities for the existing nursery which is an established use in this area. It is proposed to enhance the nursery facilities to absorb the relocation of Sington Nursery.

REPLACEMENT UNITARY DEVELOPMENT PLAN 2006

As the site is situated within an area of designated Private Open Space, Policy N2 'Protecting Open Space' states that the Council will not grant planning permission for the development of public and private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need that cannot reasonable be satisfied elsewhere. The policy does state, at paragraph 4.11 that development ancillary to a use taking place on an open space should be small in scale and not detract from the openness of the space.

This proposal involves the redevelopment of a nursery site and, given the value of land in this area, it is unlikely that the nursery could afford to find alternative premises. The proposal is directly related to the on-going use of the site as a nursery and play centre, and the overall size of the development (the footprint of the building is actually smaller than existing) will not harm the openness of the space – this is discussed in the Design and Setting section below.

In summary, given that the proposal is for a community user currently operating on the site who would find it difficult to locate elsewhere, the proposals are broadly acceptable in the context of Policy N2.

Turning to the proposed new building, the improvements in nursery facilities in the area are welcomed. Nurseries are considered to be a community use for the purposes of the UDP (see paragraph 8.2). Policy C1d of the UDP states the Council will grant planning permission for child care facilities provided that there is safe and secure external play space on site. The proposed layout drawings suggest that there will be generous, high quality, self-contained outdoor space within the confines of the site.

LOCAL DEVELOPMENT FRAMEWORK

The LDF has undergone examination in public and has been found to be “sound”. Considerable weight is therefore currently afforded to its contents in determining planning applications. It is anticipated that the LDF will become the *de facto* development plan for the Borough as of 8th of November 2010 and the UDP will be superseded on this date.

The aim of the Local Development Framework is to seek to move away from strictly land use based plans with a compendium of detailed policies and regulatory standards, towards plans which provide a strategic vision and objectives for the future of an area over time. The LDF aims to give scope to consider the wider benefits a development would bring to an area, considering the wider aims and objectives identified by the Council for the area.

The aims of UDP policy N2 in terms of protection of the openness and setting of open spaces are long established and are taken forward in the LDF under policy DP31. Policy C1 Protecting Community Facilities is taken forward as CS10 and DP15 with protection afforded within the policies for existing community facilities.

Had the LDF been formally adopted as the Development Plan for the borough, the proposal would be acceptable in principle as land use policies have not changed substantially in the areas relevant to the proposal.

The layout of the pavilion includes a multi-purpose room for community uses with an entrance adjacent to the main entrance from the public open space. This space can be used by local community groups within Class D1. The provision of this space is welcomed in the context of Policy C1.

The new Multi Use Games Area would enable improved community accessible to the sports facilities on the site. While no specific details have been provided on how the use would operate other than a weekly and yearly timetable, the enhanced sports facility is considered to represent a positive element of the scheme. A condition is attached to ensure hours are controlled in line with a schedule provided.

In policy terms there are no in principle objections to the proposals.

Design and Setting

Fortune Green and Hampstead Cemetery are identified as areas of public open space. The Cemetery is on the Register of Parks and Gardens of Special Historic Interest.

The play centre and nursery buildings on the site comprise a group of three single storey timber buildings. There is also a games pitch on the site and adventure play area. The site was formerly the site of the cemetery greenhouses.

It is proposed to redevelop the site, creating a new two storey building with play centre and nursery integrated.

The new building is proposed to be located towards the middle of the site, leaving open views from Fortune Green through to the cemetery. From the cemetery side, any additional height will be seen against the bulk of the 53 Fortune Green Road flats, and will therefore not appear as a prominent feature on the perimeter of the open space.

The proposed building has a circular plan form, with flared drum feature at the upper level, which is proposed to be clad in timber, with recessed windows. The form, scale and materials of the building are not considered to compromise the setting of the open spaces adjacent, and greatly improve the quality of built form on the site. The use of timber cladding will work well in this context of parkland, but detailing - for example at cornice level and around the window reveals - will be key in ensuring that the appearance is satisfactory and that the material will weather well and have longevity.

The existing boundary treatment to the cemetery will remain unchanged.

The repositioning of the games pitch to the western portion of the site will involve floodlighting, but it is understood that this will be relocated from its existing position.

In summary, the new building on the site is considered to be acceptable in the context, and complies with policies B1 and DP24. Samples of cladding materials and drawings showing details of the timber/window interface and water run off detailing are to be submitted by condition.

Trees

An arboricultural report has been provided. This identifies a group of mature evergreen trees (mainly Yew) on the south easternmost boundary abutting Fortune Green Park as providing the most valuable landscape feature on the site screening the site from the adjacent park. This evaluation is considered to be valid. The report identifies 4 Silver Birch (T9,10,11 and 27) and a Lime (T12) to be removed to facilitate the construction of the MUGA. None of these trees are considered to be of significant landscape value. It is also proposed to remove T28 a Goat Willow and T29-30 a mixture of Rowan, Spindle and Ceanothus to facilitate the development. A replacement scheme could provide satisfactory mitigation for the removal of these trees.

The Tree Protection and Demolition Plan shows 4 additional trees (T26 False Acacia, T01 Rowan, T02 Rowan, T04 Elder) for removal to facilitate the proposals. Again, none of these trees is of particularly significant landscape value and could be replaced.

The total number of trees proposed for removal is 12. The Landscape Plan shows 27 new trees planted on the site. This replacement plan is considered to be satisfactory.

The Tree Protection and Demolition Plan is indicative only. The MUGA appears to be too close to T28 a Norway Maple to ensure its retention. However the tree is noted within the Tree Survey as having a potentially weak fork and infected with Phytophthora (a potentially fatal disease). Both of these factors are limiting on the safe useful life expectancy of the tree.

As access to the site is across Fortune Green Park, there may be conflicts with trees within the park in the context of the need for access for construction vehicles. This potential conflict could be dealt as part of a method statement for the protection of trees to be retained.

Camden's Nature Conservation Officer has generally agreed with the habitat survey and recommendations for biodiversity enhancements within the site. These have been incorporated into the landscape plan (ref Outline Material Schedule for External Works). The detail of these proposals could be secured by condition (see below).

Biodiversity

The adjoining cemetery site is a Site of Nature Conservation Importance, and therefore the proposal should support the biodiversity elements of the cemetery.

Bat and bird boxes should be incorporated into the structure of the building to encourage longevity of the habitats. This can be used in conjunction with free hanging boxes where appropriate.

Given that the existing development has been identified as being low potential as roosting habitat it is not felt that the proposals for development triggers the need for a further Protected Species (bat) Survey.

It should be noted that bats do use the open space (Hampstead Cemetery) for feeding/commuting and therefore it is recommended that lighting and light spillage is kept to a minimum. The habitat survey recommends that a method statement is prepared to detail those measures by which any adverse impact upon this designated site will be mitigated for, with specific emphasis upon external light minimisation in line with BCT/ILE guidelines. This may involve strict time control. Given the proximity of the Site of Nature Conservation Importance and its utilization by nocturnal wildlife, including bats, this should be provided to the satisfaction of this section. This is in accordance with Policy N6 to demonstrate that there would not be any adverse impacts from lighting within the development.

Consideration should be given to maintaining longer grass areas of say 100mm rather than the stated 75mm maximum.

For the biodiversity interest to be maintained, it is essential that a management plan, to include controlling lighting, is developed and implemented to incorporate the maintenance of ecological features and habitats. All identified wildlife habitats are expected to be positively managed in perpetuity. A copy of the management plan

should be submitted and agreed by condition and the development shall not be occupied until the Plan has been agreed.

Details of the green roof should be agreed prior to implementation. Tree and shrub planting should take into account biodiversity and species selection. The species selection is acceptable to this Section. The recommendations made in the ecological assessment produced by FOA Ecology Ltd, March 2010 for mitigation and enhancement should be implemented.

The development does not fall within any of the thresholds that require it to meet any specific sustainable development targets.

Transport

Transport Assessments and Travel Plans

The applicant has submitted a travel plan for this development. Whilst it is not a detailed analysis, Camden's transport officers have advised that it is sufficient for this type and scale of development. The applicant is keen to increase accessibility to the centre by walking and cycling.

Cycle Parking

UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards.

The applicant has stated that 12 spaces are proposed for the development. This is in excess of the Cycle Parking Standards; however no detail is provided where these spaces are located. There is sufficient space within the site to accommodate the required cycle parking, therefore a condition is placed on the planning permission ensuring provision for 12 cycle storage/parking spaces designed to Council specifications.

Servicing Management Plan (SMP)

Policy T12 seeks to protect the safety and operation of the highway network. For some development this may require control over how a site is serviced through a Servicing Management Plan secured via S106. However, due the scale and nature of this development, the servicing trips that it is likely to generate are not considered to be of such a scale that a Servicing Management Plan would be not required in order to mitigate any adverse impacts.

Construction Management Plan (CMP)

Policy SD8 seeks to minimise such construction impacts on local amenity while Policy T12 seeks to protect the safety and operation of the highway network. Given that access to the site for construction will be via a temporary construction route through Fortune Green a construction management plan will be required to ensure minimal disturbance to the users of the park. A separate Method Statement for the protection of trees within the site and Fortune Green Open Space is required by condition. Given that the applicant is the Council this requirement is to be secured via condition, rather than Section 106 Legal Agreement, the preferred mechanism for an applicant other than the Council.

Other issues

Access

The new building will be required to be fully accessible throughout.

The building is to be on 2 levels which are to be served by stair, lift and ramp access. The Design and Access Statement includes an access section confirming that the building will be fully accessible throughout to all users.

The plans have indicated a large play ramp leading from the first floor to the external area which appears to be designed to meet the guidance in Approved Document M. Further details of this will be sought by Building Control as part of the Building Regulations application to ensure it is safe and usable by all. Likewise any issues with lobby sizes, WCs etc will be taken into consideration then and do not affect this planning application.

Impact on neighbour amenity

One neighbour has objected to the proposal on the grounds of its impact on amenity of neighbours.

The pavilion building would be located to the northwest of the recently constructed Alfred Court which has flats at 1st to 4th floors above a ground floor commercial use. Due to its height, location and the separation distance from the flats within Alfred Court (5.3m), the proposed pavilion building is not considered to have a detrimental impact on sunlight or daylight conditions within the nearby flats.

The vast majority of the site would remain unbuilt as existing as a result of the proposal. The round footprint of the pavilion building, as well as its height, are considered to safeguard views, from within neighbouring flats, of the surrounding open spaces and the townscape beyond.

Air source heat pumps do generate noise and vibration so a condition is attached to ensure Camden's Noise Standards are achieved. No mechanical plant which would discharge externally is proposed. It is considered that, subject to this condition, the proposal would not cause any loss of amenity to neighbouring occupiers by increased noise, fumes or vibration. Unlike the previous operations on the site many of the proposed uses would operate in the evening and at weekends, this is generally acceptable in terms of making better use of a substantially upgraded facility: the disturbance that would result from the increase in use is considered to be extremely limited as the additional activities would generally take place indoors. The proposed MUGA would be located further away from residential windows than the existing sports pitch. As a result, light pollution to neighbours and any disturbance from the extended use of the MUGA (compared to the existing sports pitch) is considered to be limited and acceptable. A condition is attached to ensure that floodlighting is switched off when the MUGA is not in use.

The upper floor windows of the pavilion building could be used to afford direct views of flats within Alfred Court. A condition is attached to ensure that the windows facing Alfred Court will be obscure glazed and fixed shut to a height of 1.7m internally. Subject to this condition, there will be no loss of privacy to occupiers of Alfred Court as a result of the proposal.

Subject to the above conditions the proposal is not considered to have a detrimental impact on the amenity of any neighbouring occupiers.

Contaminated land

Camden's Contaminated Land Advisor has commented on the proposal and advised that, based on the information collected by Camden Council in 2007 and the fact the proposed use is low risk matches the existing, the proposal is acceptable in terms of land contamination and no further details are required by condition.

Conclusion

The proposed development involves the consolidation of the various uses on the site into a single building which would also accommodate the relocated Sington Nursery. The proposal would provide a potentially architecturally excellent new building; would safeguard the adjoining Hampstead Cemetery and Fortune Green Open Space both in terms of their setting and in terms of biodiversity. The proposal has been assessed in terms of its impact on transport, amenity and all other material planning considerations and is considered to comply with all policy requirements, in some cases subject to conditions. As a result the proposal is considered to represent a general enhancement of the facilities of the site and it is recommended that planning permission be granted.

Recommendation: grant conditional permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 27th September 2010.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>