

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS	
Reference No: HGY/2014/0589	Ward: Muswell Hill
<p>Address: Little Dinosaurs, The Actual Workshop, The Grove, Alexandra Palace Way N22 7AY</p> <p>Proposal: Alteration to position of small wall of main building, soft landscaping to surroundings and installation of wooden climbing frame</p> <p>Applicant: Mr Jason Jenkins Berkeley Grove Ltd</p> <p>Ownership: Alexandra Palace Trust</p> <p>Case Officer Contact: Abiola Oloyede</p> <p>Site Visit Date: 09/05/2014</p>	
<p>Date received: 26/02/2014 - Drawing number of plans: 213003/LDIN/P/E and 211007/LDIN/P/P</p>	
<p>1.1 The reason for reporting this application to committee is due to the amount of local interest it has generated and a Councillor objection. As such the under the current scheme of delegation the application has to be decided by the Committee.</p>	
<p>1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION</p> <p>This application seeks to alter a part of the rear section of the building in question; an indoor play centre (known as Little Dinosaurs) located within the grounds of Alexandra Palace Park close to the entrance from Muswell Hill. The application also seeks to make changes to the soft landscaping to part of the enclosed space surrounding this building and to install a wooden climbing frame.</p> <p>In terms of siting, scale and appearance the proposed development is very small in nature and will not adversely affect the character of the building and the land in question; nor the openness of the Metropolitan Open Land (MOL) and setting of this historic park, as such preserving the character and appearance of the conservation area. Equally there would be no harm to the amenity of nearby residential properties. The proposal is considered to be in accordance with National, London and Local planning policy and as such the application is recommended for approval subject to conditions.</p>	

2. RECOMMENDATION

That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions:

1. Implementation within 3 years;
2. Development to be carried out in accordance with approved plans;
3. Material to match;
4. Details of the exact area to be covered in artificial grass/ Astro turf including a sample of the artificial grass/ Astro turf and method statement shall be submitted to LPA prior to the commencement of works on site.
5. The Astro turf, rubber mats and climbing frame hereby approved must be entirely removed from the site once the use ceases and the parts of the land previously covered by the Astro turf restored to its natural grassland condition.

In the event that members choose to make a decision contrary to officers' recommendation members will need to state their reasons.

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 This application seeks to alter the position of a section of the rear wall of the building to create additional floor space for a baby play area to this established indoor play centre. It is important to point out that the footprint of the building does not increase. The proposal also seeks to install a wooden climbing frame within the grounds of this site and to install Astroturf/ rubber mats in an area beneath the proposed climbing frame as well as place Astroturf in a small area next to the decking area where the soil is compacted and in poor condition.

Site and Surroundings

- 3.2 'Little Dinosaurs' is located in the south-west corner of Alexandra Palace Park in area known as 'The Grove' and which was originally the grounds of an 18th century house. This part of the park consists of many mature trees including tree lined walkways which give this part of the park a peaceful and leafy environment. This facility occupies a single storey timber pavilion within an enclosed space (0.3ha) surrounded by fencing. The building occupies approximately 20% of the enclosed land area. The building is rectangular in footprint and has horizontal cladding to the walls and a corrugated sheet roof with verandas on three sides. The building itself replaced a previous fire damaged structure.
- 3.3 The site is located within the Alexandra Palace and Park Conservation Area (designated in 1979). The Park is Grade II listed on the English Heritage "Register of Parks and Gardens of Special Historic Interest in England" The application site also falls within land designated as Metropolitan Open Land (MOL) and is on land designated of Grade I Borough ecological importance. There are no Tree Preservation Orders (TPOs) on the trees within the site.

Relevant Planning and Enforcement history

- 3.4 Planning history

HGY/1995/1153, WITHDRAWN 08-11-96 - The Actual Work Shop Alexandra Palace - Replacement of fire damaged building for use (as previously) by The Actual Workshop

HGY/1998/1186, GRANTED, 27-10-98 - The Actual Workshop The Grove Alexandra Park - Details pursuant to planning permission HGY/52084, granted on 16 July 1997 - tree protection measures plus other works.

HGY/2009/0816 GRANTED 04-08-09 - The Actual Workshop, The Grove, Alexandra Palace - Change of use of existing building to children's Indoor Adventure Play Area (D2).

HGY/2013/1727 WITHDRAWN, 04-10-13, Little Dinosaurs, The Actual Workshop, The Grove, Alexandra Palace Way - Alteration to position of small

wall of main building, soft landscaping to surroundings and installation of wooden climbing frame.

3.5 Enforcement history

Planning Complaints, CON/2010/00152 - Breach of Condition 9 attached to planning ref: HGY/2009/0816 which stated that except for “the provision of a decked walkway to the building, no fencing or other structures shall be erected or installed in or on the grassed areas surrounding the building..”.

The breach of planning control as set out in the notice was that a side extension, raised wooden deck and concrete paving were installed here without planning permission in breach of condition 9. The requirements of the notice were to demolish the extension and remove the wooden decking and concrete paving and to remove any resultant debris from the land. The enforcement notice was appealed and the notice upheld and planning permission refused (22/11/2010).

The extension was to the side of the building and comprised of three elements, two storage areas for food and drink and one for furniture storage. The area of decking was triangular in shape and next to the building and enclosed by a timber railing with stepped access through to the grassland area. The area of paving was located close to the north east boundary and detached from the building itself. It measured some 16.3m long by some 4.6m wide. A photograph showed that this area previously (prior to the occupation by Little Dinosaurs) had a hard surface, possibly tarmac, which was in poor condition and had become overgrown with the concrete paving laid on top of it.

The Planning Inspector considered that individually and collectively all three aspects were harmful to the character and appearance of the building and its setting and to the amenity of the Park and Conservation Area. The concrete paving and side extensions were completely removed and the decking reduced to a depth of 2.4m in 2011. It is important to point out that the hard surface underneath the paving as referred to above remained and existed before ‘Little Dinosaurs’/ the applicat acquired this site in 2009.

4. CONSULTATION RESPONSE

4.1 The following statutory bodies, internal consultees and local groups were consulted on this application:

LBH Nurseries
LBH Parks
LBH Conservation and Design Team
English Heritage
Garden History Society (GHS)
Heritage Lottery Fund
Muswell Hill and Fortis Green Residents Association
Muswell Hill/ Fortis Green / Rookfield CAAC
Alexandra Palace and Park CAAC (AP&P CAAC)

Alexandra Palace Residents Association
Friends of the Parkland Walk

4.2 The following responses were received from statutory bodies, local groups and internal consultees:

English Heritage - Do not consider it necessary to be notified.

Garden History Society

- No observations on the details of the current application.
- Concerned that it is yet another in a series of applications for work at Alexandra Palace Park which, while individually small, have a cumulative and potentially damaging effect on the special interest of the park.
- Applications should be co-ordinated in the context of a conservation management or development plan that is supported by the community

Alexandra Palace and Park CAAC

- Submitted objections to an earlier proposal (HGY/2013/1727) which they consider to be still valid.
- Draw attention to the history of site including the enforcement actions and unsuccessful appeals.
- Attention should be paid to the sensitive nature of the site, which is Metropolitan Open Land, part of a historic Grade II listed park and within a conservation area - all of which put limitations on use.
- Proposal runs counter to the original consent for Little Dinosaurs.
- Drawings continue to show the bouncy castle and roof signage for which planning consent has never been given.
- Question if the application is supported by the Charitable Trust.
- The use of Astroturf would be an unfortunate precedent within the conservation area.

Conservation Officer comments:

- Existing building is not of a high quality.
- The proposed alterations would not change the appearance of the building or its position or size.
- The scale of the proposal is such that it would have very little, if any, impact on the setting of the listed building and the park.
- The development would be reversible and as such would be considered to preserve the character of the conservation area and the heritage assets. In fact, the improved play provisions would facilitate the use of the site and would be considered an enhancement to the area and the heritage assets within it.
- In context of the recent case on Barnwell Manor, the discharge of duty to ensure that development should preserve or enhance the character of heritage assets has been considered. The proposed scheme would preserve and enhance the appearance of the park and its usability. It is, therefore acceptable.

5. LOCAL REPRESENTATIONS

5.1 A site notice was displayed on 13th March 2014. Residents and businesses of 36 properties were consulted on the application. The number of representations received from neighbours, local groups in response to notification and publicity on this application are as follows:

Objecting: 9
Supporting: 49
Others: 4

5.2 The following issues were raised in representations received and are considered material to the determination of the application and are addressed further on in this report:

- Astroturf is unreasonable and inappropriate given the appeal decision APP/Y5420/A/12/2178737;
- The Astroturf would harm the look and amenity of the natural grassland;
- Loss of natural grass land;
- The original permission relied on it being contained as an indoor climbing frame only;
- Harm to the amenity of the MOL and Conservation Area;
- 2/3rds of an acre of parkland would be "hard-cored";
- No information about the materials or the size of the wall;
- Appears to be a hugely disproportionate climbing frame, completely out of character with openness of the parkland;
- Planning Inspector upheld Haringey's Enforcement Notice to remove the paving, decking and relocate the storage areas, on MOL and Historically Listed Park grounds;
- The method of installation of the Astroturf will lead to further loss of natural grassland in the MOL.

5.4 Cllr Bloch (a local ward Councillor at the time of submitting this application) objected on the following ground:

- The Grove is Metropolitan Open Land and should be preserved as such and be available for all users.
- The climbing frame is very prominent and high and intrusive.
- The bouncy castle shown on the drawings does not have consent
- Astroturf would be unsightly and set an unfortunate precedent within the conservation area.

6. MATERIAL PLANNING CONSIDERATIONS

6.1 In terms of this application the material planning consideration are considered to be:

1. Principle of the development;
2. Design and appearance;
3. Impact on the character and appearance of the park/ conservation area;
4. Impact on the residential amenity;

5. Impact on ecology.

Principle of the development

- 6.2 The building in question has an established use as an indoor play centre as established by the change of use application in 2009. When issuing this decision a condition was placed on the consent stating that no other structures could be installed on the grassed areas surrounding the building without the prior written consent of the Local Planning Authority. This condition did not prevent an application being submitted in the future and equally did not prevent this space around this building from being used for play activities, as clearly and as explained below such a use falls within the park's designation as Metropolitan Open Land (MOL).
- 6.3 London Plan policy 7.17 'Metropolitan Open Land' requires the strongest protection to be given to London's MOL and inappropriate development refused. MOL is the same as 'Green Belt' in terms of protection from development, and therefore the principles of control over Green Belt set out in national planning policy applies also to MOL; which allows for essential facilities for outdoor sports or recreation where they do not have an adverse impact on the openness of the MOL.
- 6.5 The purpose of this application is therefore to assess whether harm is caused to the openness of MOL as a result of the works proposed as opposed to the use, which is clearly acceptable and compatible with the use and function of this park as space for a variety of sports and play activities and informal recreation. Some of the uses and activities within the park include a pitch and putt course, a boating lake, cafés, a garden centre, allotments, a farmers market. Such uses and associated structures are also common to other parks across London and are deemed to be ancillary to the identified purposes of MOL as space for recreation.
- 6.6 It is also important to point out that prior to the occupation of the site by 'Little Dinosaurs' the site was used in connection with an educational project called 'the actual workshop', which provided a wide range of children's workshops and activities, after which it became 'The Grove Workshop', a pre-school project. These previous uses are thought to have occurred within the building and the external space around it. The building and land was vacant for five years prior to being occupied by current tenant in 2009.

Design and appearance

- 6.7 London Plan Policies 7.4 'Local Character' and 7.6 'Architecture' require development proposals to be of the highest design quality and have appropriate regard to local context. Haringey Local Plan Policy SP11 and Saved UDP Policy UD3 'General Principles' continue this approach.
- 6.8 As noted above the application seeks to alter the position of a section of the rear wall of the building, which is currently inset from the eaves of the roof. This section of wall will be moved outwards to the same depth as the outer external

walls, therefore creating an infill area of 11sq.m. to be used to provide additional baby play space. This infill extension does not increase the footprint of the building but rather infill's a veranda area to the back of the building, which is currently enclosed on two sides and covered by a roof. This alteration to the building will not change the openness of the site and its function as MOL. The new section of external wall will be in timber to match the existing and as such will be sympathetic to the appearance of the building and its setting within this historic park. Additional drawings were submitted detailing the elevation and materials for this new section of wall. The side extension to the building as referred to above, which was subject to enforcement, extended beyond footprint of the building and as such is clearly different in nature to what is now proposed.

- 6.9 The application also seeks to introduce Astroturf next to the front veranda /decking area where the soil is compacted and in poor condition. An area of Astroturf and rubber mats will also be placed beneath where the proposed climbing frame is to be installed. As pointed out above this hard surface area existed before 'Little Dinosaurs' occupied the site in 2009.
- 6.10 A Park's Officer has indicated that Astroturf can be used in parks to improve the appearance of land and that it is a material commonly used in respect of children's play spaces. It is important to point out that permission was granted recently (under planning reference HGY/2014/0922) to install 78 sq.m of Astroturf within the grounds of the preschool directly opposite the site.
- 6.11 In total the surface area proposed to be covered with Astroturf is 43 sq.m. (10sq.m next to the climbing frame area and 33 sq.m. in front of the veranda area). In comparison to earlier generation artificial grass, modern turfs have developed considerably and can be virtually indistinguishable from natural grass. The use of artificial grass/ Astroturf here is considered acceptable given the condition and high usage of this space. A condition will be imposed requiring a sample of the Astroturf to be used to be submitted to the LPA.
- 6.12 The climbing frame to be installed will consist of a slide, ladder and climbing slope. The structure will be located in the south-east corner of the site close to the perimeter. The maximum height of the structure will be 2.8m with a pitched roof feature. The materials for the climbing frame will be predominantly timber. The rubber mats to be installed here underneath the climbing frame will cover an area of 28.3 sq.m. The mats will be green in colour. A condition can be applied requiring the climbing frame, rubber mats and Astroturf to be removed when the current operator ceases use of the site.
- 6.13 Concerns have been raised in respect of a bouncy castle placed within the site. This however is not a permanent feature and has been removed from the drawings.

Impact of the character and appearance of the park/ conservation area

- 6.14 Section 66 of the 1990 Town and Country Planning Act sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the 1990 Town and Country Planning Act sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The importance of properly discharging the duty conferred by these provisions and the need to pay particular attention to potential harm was recently underlined by the decision of the courts in the Barnwell Manor and subsequent decisions that rely on it. NPPF (2012) chapter 12 Conserving and enhancing the historic environment and The London Plan 2011 Policy 7.8 '*Heritage Assets and Archaeology*' states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Similarly Local Plan Policy (2013) SP12 seeks to ensure the conservation of heritage assets, their setting, and the wider historic environment.

- 6.15 Alexandra Park is identified by English Heritage in the 'Register of Parks and Gardens of Special Historic Interest' as a historic park. Local plan policy SP12 requires the conservation of Haringey's historic environment including registered parks. Policy SP13 echoes the same view in more detail and requires new development to protect and improve Haringey's parks and open spaces and conserve the historic significance of the boroughs designated historic parks and gardens. Policy OS4 Alexandra Park and Palace continues this approach.
- 6.16 Given the enlargement of this indoor play facility is within in the confines of the existing structure the openness and setting of this part of the park/ MOL will not be affected and the setting of the conservation area and listed building will be preserved and enhanced. The location, size and facing materials of the climbing frame are considered acceptable and will not detract from the openness of the park/ MOL. In this particular case the climbing frame will be largely in timber and located in the corner of the enclosed space. The structure will not be highly visible from within the broader park given its siting and the presence of trees/ screening next to the eastern boundary of the site. The siting of this structure will also not undermine the appearance of the main building. Officers consider that the provision of one standalone climbing frame here will not adversely affect the character and appearance of this historic park as there will be no fundamental change to the character of this site. As such the character of the conservation area and the setting of the listed building will be preserved and enhanced.
- 6.17 The use of Astroturf here is considered to be less obtrusive as opposed to the decking and concrete paving previously introduced and subject to enforcement action. It is considered that the proposed Astroturf will serve to improve the appearance of the areas of the ground affected by poor grass growth, serving to blend in with the existing natural grass and the character and appearance of the site and park. Concerns have been raised about the method of installation of the Astroturf. A condition will be imposed requiring a sample of the Astroturf including a method statement for its installation to be submitted.

- 6.18 Comments have been raised that the appeal decision in respect of the enforcement case supports the grounds to refuse this application. The previous enforcement case however related to concrete paving and decking, in addition to a side extension which extended into grassland. In the current application the use of AstroTurf is considered to be materially different in appearance and significantly less visually apparent to the decking and concrete paving previously installed. As outlined above the proposed AstroTurf will serve to improve the appearance of the areas of the ground affected by poor grass growth. The AstroTurf will blend in with the existing natural grass and will prevent further erosion occurring in those areas of 'wear and tear' therefore helping to improve the appearance of this site.
- 6.19 Overall the proposed alteration to the building, the climbing frame structure and surface materials proposed here will not adversely affect the openness of the MOL nor be harmful to the character and appearance of the site and its setting with the park and conservation area. The setting of the Listed Building and the character of the conservation area is preserved and enhanced by the proposal.

Impact on Residential Amenity

- 6.20 Saved UDP Policies UD3 require development proposals to have no significant adverse impacts on the amenity of surrounding development.
- 6.21 Given the distance, approximately 60m, from the nearest residential properties on Springfield Avenue and the presence of trees and screening the proposal will not adversely affect the amenity of nearby residents.
- 6.22 Given the small scale and nature of the climbing frame and established use of the land in question, the use of the climbing frame by children playing will also not affect the amenity of neighbouring properties.

Impact on Ecology

- 6.23 Alexandra Park is of Grade I Borough ecological importance. Given the proposal relates to areas of poor grass growth and hardsurfacing and will not result in the loss of trees, there will be no adverse impact on the flora and fauna or ecological importance of the park.

7. CONCLUSION

- 7.1 In terms of siting, scale and appearance the proposed development is very small in nature and will not adversely affect the character of the building and the land in question; nor the openness of the Metropolitan Open Land (MOL) and setting of this historic park, a designated conservation area. The setting of the Listed Building and the character of the conservation area is preserved and enhanced by the proposal. Equally there would be no harm to the amenity of nearby residential properties. The proposal is considered to be in accordance with National, London and Local planning policy and as such the application is recommended for approval subject to conditions.

8.0 CIL

The development is not CIL liable as the new floor space is under 100 sq.m.

9.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 213003/LDIN/P/E and 211007/LDIN/P/P

Subject to the following condition(s):

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. Notwithstanding the information submitted with the application, the development hereby permitted shall only be built in accordance with the following revised plans:

213003/LDIN/P/E, 213001/LDIN/P/P Rev 1 June 2014, 213002/LDIN/EI/E, 213002/LDIN/EI/P, 214002/LDIN/CFP/P, 214001/LDIN/CFEI/P, 214008/LDIN/P/E&P, 214008/LDIN/P/E&P, 214007/LDIN/EI/E&P and 211007/LDIN/P/P

Reason: To avoid doubt and in the interests of good planning.

3. The external materials to be used for the proposed wall relocation shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy 7.6 of the London Plan 2011, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. Details of the exact area to be covered in artificial grass/ AstroTurf including a sample of the artificial grass/ AstroTurf and method statement shall be submitted to LPA prior to the commencement of works on site.

Reason: In order to safeguard the look and amenity of natural grassland consistent with Policy 7.17 of the London Plan, Policy SP11 and SP13 of the Haringey Local Plan 2013 and Saved Policy UD3 and OS4 of the Haringey Unitary Development Plan 2006.

5. The Astro turf, rubber mats and climbing frame hereby approved must be completely removed from the site once the use ceases and the parts of the land previously covered by the Astro turf must be restored to its natural grassland condition.

Reason: In order to safeguard the look and amenity of natural grassland within the MOL consistent with Policy 7.17 of the London Plan, Policy SP11 and SP13 of the Haringey Local Plan 2013 and Saved Policy UD3 and OS4 of the Haringey Unitary Development Plan 2006.