

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2008/0887

Ward: Fortis Green

Date received: 22/04/2008

Last amended date: N / A

Drawing number of plans: No drawings

Address: 23 Woodside Avenue N6

Proposal: Variation of condition 8 (play times) attached to planning permission reference HGY/2001/1002 dated 12 December 2001, to extend morning and afternoon play times in the garden by 10 minutes each (an increase of 20 minutes per day in total)

Existing Use: Children's Nursery

Proposed Use: Children's Nursery

Applicant: Mrs E Sweby

Ownership: Private

PLANNING DESIGNATIONS

Road Network: Classified Road

Officer Contact: Gary Savins

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

The application site is a 2 storey semi-detached house on the northern side of Woodside Avenue. The house has a nursery on the ground floor and a flat on the first floor. The nursery accommodates 25 children (subject of a planning condition), with playtime in the rear garden restricted to 20 minutes in the morning and 20 minutes in the afternoon.

Residential properties adjoin the site to the north, south and west. The surrounding locality is predominantly residential in nature.

PLANNING HISTORY

The following relevant town planning history was identified for the site:

OLD/1960/1060 – Conversion into two self-contained flats – Granted.

OLD/1966/1007 – Extension at rear of ground floor flat – Refused.

OLD/1967/0988 – Extension at rear of ground floor flat – Approved.

HGY/2001/1002 – Change of use of the ground floor to a Montessori Nursery School, the erection of a single storey rear extension with ramped access and a roof terrace at first floor level. Erection of a porch to the front elevation and the provision of three car spaces – Granted.

HGY/2002/1130 – Details of condition 3 relating to materials; condition 06 relating to green travel plan; condition 10 related to storage of waste and refuse; condition 14 details of noise insulation to party wall of number 25 Woodside Avenue. Pursuant to planning permission 2001/1002 for a nursery school – Granted.

HGY/2002/1445 – Erection of 1.8m fret wall to both sides of first floor terrace: Fret wall adjacent to 25 Woodside Avenue stepped in height (amended details) – Granted.

HGY/2003/0828 – Retention of existing terrace and amendments to existing terrace involving re-siting of fence along boundary with Number 25 Woodside Avenue and creation of a new platform – Granted.

HGY/2005/1267 – Erection of 1.7/1.8m high screening to existing upper floor terrace – Granted.

HGY/2007/0869 – Variation of condition 8 (play times) attached to permission HGY/2001/1002 dated 12 December 2001, to allow an additional one (1) hour playtime in the garden – Refused.

Of particular note to this application is Condition 8 (playtime) of planning permission HGY/2001/1002 and the refusal of application HGY/2007/0869 to extend the playtime.

Condition 8 of planning permission HGY/2001/1002 is as follows:

Condition: The amount of time children are allowed to play in the rear garden is to be restricted to a maximum of 20 minutes in the morning and 20 minutes in the afternoon as stated in the business plan provided in the application.

Reason: To protect the amenity of neighbouring and surrounding properties”.

The reason for the refusal of application HGY/2007/0869 to extend the playtime was as follows:

“The proposal to vary Condition 8 of the permission dated 12 December 2001 to allow an extended total time of 1 hour and 40 minutes for 25 children to play and pursue activities outside on a daily basis would cause unacceptable noise and disturbance to immediate neighbours, which would detract from residential amenity. The proposal does not therefore comply with policy UD3 ‘General Principles’, of the Adopted Haringey Unitary Development Plan”.

DETAILS OF PROPOSAL

This proposal is for the variation of condition 8 (play times) attached to permission HGY/2001/1002 dated 12 December 2001. The proposal seeks to extend morning and afternoon play times in the garden by 10 minutes each (an increase of 20 minutes per day in total).

As a result of this proposal, the permitted playtime in the rear garden will be that of 30 minutes in the morning and 30 minutes in the afternoon.

CONSULTATION

Noise and Pollution
Local Ward Councillors
Woodside Residents Association
1-21(o), 25-39(o), 39A-39D(c) Woodside Avenue, N6
2-68(e) Woodside Avenue, N6
2-58(e) Fordington Road, N6
8 Holt Close, N10
3 Annington Road, N2
7 Leaside Mansions, Fortis Green N10
13 Firs Avenue, N10
12 Denewood Road, N6
1 The Avenue, N10
27 Etchingham Park Road, N3
15a Princes Avenue, N10
52 Stapleton Hall Road, N4
47 Tetherdown, N10
12 Connaught Gardens, N10
Flat 2 The Copse, Fortis Green N2
58a Langdon Park Road, N6
34 Colney Hatch Lane, N10
51 Kings Avenue, N10
An email notification was also sent to a Michelle Hall.

The individual addresses above were all respondents on the previously refused application HGY/2007/0869.

RESPONSES

Noise and Pollution

The following comments were received from Noise and Pollution in relation to this application:

“Thank you for the opportunity to comment on this application on behalf of the Noise (Enforcement Response out of hours) team

I have considered the existing Condition 8 of planning permission HGY/2001/1002

“Condition: The amount of time children are allowed to play in the rear garden is to be restricted to a maximum of 20 minutes in the morning and 20 minutes in the afternoon as stated in the business plan provided in the application.

Reason: To protect the amenity of neighbouring and surrounding properties”.

and consider it appropriate that conditions are placed in regard to play time (external use) of the premises as noise from children playing is known to result in complaints from residents. We have not, however, received complaints about noise in respect of these premises

Third Party

A total of sixty eight (68) responses were received in relation to this proposal. These responses consisted of twenty seven (27) objections and forty one (41) letters of support. The majority of the objections received were from nearby residents, whilst the majority of the letters of support were from existing, previous or future parents of children attending the nursery. Further, there were also a number of additional responses received both from the applicant and nearby residential properties disputing matters of fact that were raised by the original responses received.

The main issues raised in the objections received have been summarised as follows:

- existing amount of playtime is extremely noisy and results in a nuisance to neighbouring properties, any increase in these times will worsen the situation;
- nursery currently flouts the existing permitted amount of playtime for the children;
- nursery should be relocated to a more suitable location and not be within a semi-detached house;
- concern that following this application there will be subsequent small incremental increases to the amount of allowed playtime;
- nothing material has changed from the timing of the original condition in 2001;

- concern that the nursery had previously advised that 40 minutes in total was sufficient, now they are changing their previous assurances to the Council and surrounding residents;
- original permission should never have been granted for a nursery within a residential area; and
- concern in relation to the existing car parking issues associated with the nursery.

The main issues raised in the letters of support received have been summarised as follows:

- nursery provides a good service and 60 minutes playtime is in accordance with government recommendations;
- 60 minutes of playtime is not excessive, particularly as the nursery does not operate on weekends;
- there should be no limit on the amount of outside playtime and being outdoors has a positive impact on the children;
- additional time will improve the health of the children as it encourages physical activity; and
- existing amount of playtime does not create excessive noise for neighbouring properties.

A full copy of all the responses received have been attached to the file.

All the comments raised in the responses received have been considered prior to the determination of the application.

RELEVANT PLANNING POLICY

The London Plan

Policy 3A.14 – Assessing the needs of London’s diverse population

Policy 3A.15 – Protection and enhancement of social infrastructure and community facilities

Policy 6A.7 – Increasing the capacity of London

Unitary Development Plan

UD3 – General Principles

CW1 – New Community/Health Facilities

ANALYSIS / ASSESSMENT OF THE APPLICATION

Permission was originally granted in December 2001 for the use of the ground floor of 23 Woodside Avenue, as a Montessori school, subject to a number of conditions governing matters such as number of children, hours of operation, hours of outside play etc. The imposition of this number of conditions was indicative that, whilst the use was considered acceptable in principle in a residential area, there were concerns about a number of possible associated impacts of the use, in particular potential noise disturbance to neighbours.

The main consideration in this proposal is the extent to which allowing the children to have additional time outside in the garden will cause an unacceptable increase in noise generation from the property detrimentally impacting on the amenity of nearby residential properties.

The nursery use means that 25 young children occupy the house all day during the week, which is not comparable to an ordinary family occupation and is always likely to cause some noise nuisance. Notwithstanding that the use appears well run and meets a need in the wider community, the more intensive use (compared to typical family occupation) makes it necessary to exert 'tight' control over the operation so as to satisfactorily ameliorate or avoid significant detriment to neighbours' amenities. Condition 8 (playtime) of the original permission was imposed for this reason.

Additionally, concern has been raised by many objectors that the school has not observed the currently imposed restrictions on hours of external play, and that outside noise levels during the play periods have been excessive. The operators of the school maintain a 'log-book' of times of external play and also record this on CCTV footage. There have been no reported complaints to the Council's Noise Service of any breaches of the approved hours of operation. However, when planning applications (both this application and the one refused in 2007: HGY/2007/0869) are received, nearby residents do make representations on the ground that there is excessive noise at play periods, and that the authorised playtime is not adhered to.

It is not considered likely that an additional 10 minutes in the morning and 10 minutes in the afternoon would give rise to unreasonable additional levels of noise nuisance on nearby residential properties. Accordingly, it is not considered that the requested 1 hour in total (as opposed to the existing 40 minutes in total) is likely to result in any materially different impacts on nearby residential properties.

Subsequently, it is not anticipated that this proposal will result in significant additional detrimental impact on the amenity of nearby residential properties.

SUMMARY AND CONCLUSION

It is not considered likely the additional 10 minutes in the morning and 10 minutes in the afternoon for the children's playtime in the rear garden would give rise for unacceptable noise disturbance being created on nearby residential properties. As such, this proposal is considered to be in keeping with policies UD3 'General Principles' and CW1 'New Community/Health Facilities' of the adopted Haringey Unitary Development Plan (2006).

Accordingly, this application is recommended for approval.

RECOMMENDATION

The Planning Committee is recommended to RESOLVE as follows:

(1) That planning permission be granted in accordance with planning application reference number HGY/2008/0887 to vary condition 8 (play times) attached to permission HGY/2001/1002 dated 12 December 2001, to extend morning and afternoon play times in the garden by 10 minutes each (an increase of 20 minutes per day in total).

for the following reason:

It is not considered likely the additional 10 minutes in the morning and 10 minutes in the afternoon for the children's playtime in the rear garden would give rise for unacceptable noise disturbance being created on nearby residential properties. As such, this proposal is considered to be in keeping with policies UD3 'General Principles' and CW1 'New Community/Health Facilities' of the adopted Haringey Unitary Development Plan (2006).

subject to the variation of condition 8 as follows:

The amount of time children are allowed to play in the rear garden is to be restricted to a maximum of 30 minutes in the morning and 30 minutes in the afternoon.

Reason: To protect the amenity of neighbouring and surrounding properties.

INFORMATIVE: This approval only amends Condition 8 of the previous consent HGY/2001/1002 issued on the site. Conditions 5, 7, 9, 11 and 13 of this previous approval remain valid and must be adhered to at all times. Amended Condition 8 must also be adhered to at all times.

REASONS FOR APPROVAL

It is not considered likely the additional 10 minutes in the morning and 10 minutes in the afternoon for the children's playtime in the rear garden would give rise for unacceptable noise disturbance being created on nearby residential properties. As such, this proposal is considered to be in keeping with Policies UD3 'General Principles' and CW1 'New Community / Health Facilities' of the adopted Haringey Unitary Development Plan (2006).