



Executive
29th May 2007

**Report from the Director of
Environment and Culture**

For Action

Wards Affected:
Dudden Hill/Harlesden/Willesden
Green

Results of Public Consultation for New Park at Church End

Forward Plan Ref: E&C - 07/08-061

1.0 Summary

- 1.1 Following the consultation undertaken in October 2006 on the regeneration and transportation proposals for the wider Church End area, the Council has undertaken further consultation on the proposals to create a new park and a new Multi Use Games Area (MUGA) on part of the former cemetery land at Willesden Old Cemetery (also known as St Mary's Cemetery), which will be paid for from part of the proceeds of the housing development on Mayo Road open space, for the park and, in the main, a Big Lottery Fund (BLF) award for the MUGA (report taken to Executive on 15th January 2007). This report summarises the proposals, consultation undertaken and comments received.

2.0 Recommendations

That the Executive:

- 2.1. Confirm the proposals to create a new park and Multi Use Games Area in Church End as set out in paragraphs 3.9 to 3.15 of this report as previously approved by the Executive on 13 November 2006, subject to the outcome of consultation currently being carried out by Cemeteries & Mortuaries referred to in paragraph 3.21 below; and

- 2.2. Approve the creation of a passive recreation/wildlife area to be used by St Mary's CofE School, as set out in paragraph 3.16 below.

3.0 Detail

Purpose of this report

- 3.1 Council officers have been working on bringing forward a number of proposals that would bring about the regeneration of the heart of Church End. This report sets out the results of the most recent consultation undertaken by the Planning Service on the proposals to create a new park and a multi-use games area on land at St Mary's Cemetery (see figure 1 below), which would be paid from part of the proceeds of the housing development on Mayo Road open space (the disposal of which was reported to Executive in January this year) and a Big Lottery Fund award.

History

- 3.2 The Planning Service has been working with Fortunegate Community Housing (part of Catalyst Housing Group) who own significant areas of land in the Church End area to draw up regeneration proposals for sites in Church End area since Officers reported to planning committee in March 2005 and Executive in April 2005 on the general principles of a package of regenerating developments in this area, and the proposals outlined were supported. Fortunegate has already redeveloped most of the Resiform estate in Church End and is constructing the remainder of the new housing. Despite the significant improvement in the estate, there is evidence of deteriorating environmental quality in the wider area. In short the wider area needs significant new investment if its decline is to be halted.
- 3.3 The initial consultation undertaken in October 2006 showed that there was general support for proposals to create a new park on cemetery land:
- The overwhelming majority of the respondents agreed that the Church End area outlined in the questionnaire needed improving (93% in favour).
 - 73% of the respondents were broadly in favour of the regeneration proposals set out in the leaflet.
 - 55% supported the building of a new multi use games area on land next to the school partly on old cemetery land (37% did not support this).
 - 55% were in favour of a new park on part of the cemetery and other open space (36% did not support this)
- 3.4 This was reported to the Executive on 13th November 2006 and the Executive requested that further consultation was carried out as the individual proposals for the area progress. The proposals for the new park and MUGA need to be progressed quickly, as the Big Lottery Funding secured for the construction of the MUGA stipulates that the MUGA must be constructed and claims for reimbursement upon works completion need to be submitted by March 2008, when the BLF closes. Therefore the council has consulted on these proposals first.

Benefits and Drawbacks of Proposals

- 3.5 The drawbacks of the proposals is the loss of 0.5 hectares of open space on Mayo Road in an area of deficiency and the removal of memorials to an alternative location in the cemetery which would be in a different location from where the deceased was buried. The relocation of memorials is of course a sensitive issue. However it is your officers view that from our general public consultation, there is general public support to re-use part of the cemetery land as set out above.
- 3.6 The Council is currently trying to contact relatives of those buried who may have burial rights. This is out of necessity a long process, details of which are set out below where it also sets out how this consultation may affect long term improvement of the site.
- 3.7 The benefits of the proposals are however numerous. There have been no new burials for over 100 years although some family plots have been re-used subsequently and only limited funds are available for the upkeep of the cemetery. Due to the age of some of the memorials they are no longer readable, some are damaged and some are potentially structurally unsound. The development of the Mayo Road Open Space for new housing development would release funds to create a new park in the heart of Church End. It is unlikely that funds would be available in any other way to create or improve such as significant area of open space (1.07 ha) in this locality.
- 3.8 It is proposed that Mayo Road open space be redeveloped for affordable housing. The adjoining existing play area is licensed to St Mary CofE Primary School during school hours and is open to the wider community outside school hours. The proposal is to relocate the MUGA to an area of former cemetery which has the least memorials on it and would provide a very valuable resource for the school and the wider community, for which lottery funding is available for most of its construction cost. Much needed affordable homes would be provided on the Mayo Road open space site with a high proportion of family homes. Additionally, proposals also include some provision for low cost home ownership opportunities within the development. This is on an open space which is not properly overlooked and has suffered much vandalism and anti-social behaviour.

Proposals

- 3.9 The proposals below were agreed as informal planning guidance by Executive on 13th November 2006, but detail has been added below.

New Park

- 3.10 The new park is proposed on a third of Willesden Old Cemetery (also known as St Mary's Cemetery) and on housing amenity land fronting Church Road (see Figure 1 below).
- 3.11 Part of the park would be located on zones F and G of the cemetery. These sections have fewer memorials, most of which are very old. The memorials

affected would be relocated to the northern part of the cemetery (to be retained and improved) and properly displayed in a memorial garden. The cemetery has not been used for new burials for many years and this part of the proposed new park would be used for passive recreation (aside from the MUGA).

3.12 In the area of the MUGA there are 81 private graves and all but three have expired burial rights, this area was mainly used for common burials. A new play area would be located on the former housing amenity land. The proposals would provide much needed amenity space for residents and visitors alike.

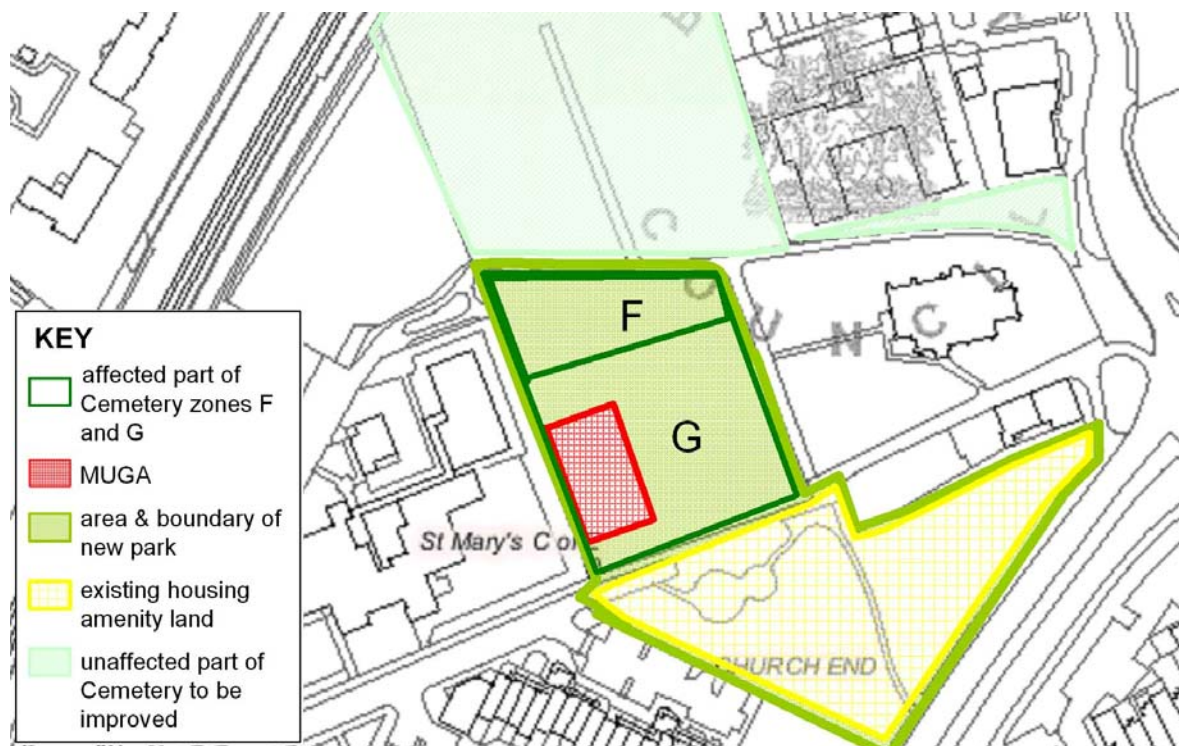


Figure 1: Location of new park and MUGA

3.13 As mentioned earlier in this report, the new park will be funded through the development of new homes on Mayo Road open space, which is a small strip of open space is not overlooked and has suffered a number of crimes and anti-social acts. The new park and improved cemetery area to the north of the site would be maintained by the Parks Service, as this will ensure that green space is safe and well managed and offer economies of scale to maintenance costs.

Multi Use Games Area (MUGA)

3.14 The Council has been working with St Mary's School and Fortunegate to construct a Multi Use Games Area (MUGA) adjacent to the school (see figure 1 for location) which can be used by both the school and the local community outside of school hours. The MUGA was originally proposed on the Mayo Road open space but the school and officers would much prefer it to be located on part of the old cemetery land which would also be incorporated into the new park. This is because it would be located next to an existing school playground, which would eliminate the need for the children to cross a public

path to access the playground (as is currently the case), it would be better overlooked and so assist supervision of children by school staff and also provide a safe, secure, fit for purpose play area for pupils and the community.

- 3.15 The school and Diocesan Board for Schools support the proposals and are content to relinquish its interest on the current school playground (which is subject to vandalism) on Mayo Road upon completion of the new build MUGA. The relocation to the former cemetery site would also benefit public access. The part of the old cemetery it could be located on has no readable remaining memorials. The MUGA will be paid for out of a successful £100,000 BIG Lottery award, of which £85,000 remains, following previous development costs in resourcing consultant's fees to achieve planning approval and an associated business plan to support the BLF bid. Current cost estimates for the build of the MUGA are in the region of £125,000, the difference can be met using S106 funds. The MUGA must be completed to Sport England specification before March 2008 in order to secure this funding.
- 3.16 Further to the proposals agreed by Executive in November, set out above, St Mary's CofE School has also expressed an interest in obtaining a small area to the north of the MUGA site to be used as a passive recreation/wildlife area for pupils. If appropriate management and resourcing can be found and if agreed by members, this garden could be created through using some of the funding set aside for the new park and other funding/grants available to the council or school.

"New Park" Planning Consultation

- 3.17 The consultation on the proposals to create the new park and MUGA on land at St Mary's Cemetery was carried out over six weeks between 1st March and 12th April 2007. Posters advertising the proposals were put up around the local area, and 1500 leaflets (see Appendix 1) were delivered to local homes. A further 300 were delivered to St Mary's School who distributed them to parents and pupils and batches were left with St Mary's Church, Fortunegate's Offices and the new Community Centre on Church Road. The proposals were also detailed on the Council's webpages.

Consultation Results

- 3.18 Only three responses from members of the public were received during the consultation period. The main points arising from these comments are:
- Keep cemetery and improve it rather than turning it into park
 - Cemetery is a quiet haven and of historical interest should not lose
 - New park will be "a haven for drinkers and drug addicts"
 - Records of graves moved should be kept
 - New park should be fenced
 - Toilets for dogs and public toilets
 - Area in front of hall should be used for the market and car parking
 - More details of the proposals should be provided

- 3.19 In addition to these responses, the Headteacher of St Mary's Primary School wrote in to the Council expressing the support of the Governing Body of the school, stakeholders, staff, parents and pupils who are "very much in support of the proposed relocation of the specified MUGA".
- 3.20 Your officers are content that the majority of these issues can be addressed when progressing detailed plans for the park and MUGA. Comments and draft officer responses to the consultation responses can be found at Appendix 2 of this report.

"Burial Rights" Consultation

- 3.21 As well as the Planning Services consultation to ascertain the level of public support for the proposals in general, the Council is also obliged to consult with those who have burial rights in the land. This process began on 1st April and will run for a statutorily required six month period, due to end on October 1st. This is being carried out by the Cemetery and Mortuary Service, who wrote to the last known addresses of all those who have "burial rights" in the land affected and advertised their intentions in the local press on 5th April and 12th April 2007. At its meeting on 15 January 2007, the Executive instructed that if objections or representations are received as a result of this further consultation that are not, in the opinion of the Director of Housing and Community Care, groundless or insignificant, then the issue of the location of the MUGA should be referred back to the Executive for further consideration.
- 3.22 It is recommended that the Council continue to plan for the new park and MUGA before this consultation period has ended so that the Council will be able to complete the MUGA before March 2008 and secure Lottery Funding. Officers anticipate that it is most unlikely that the Council will get representations from those with an interest in the graves where the MUGA is located as there are only two private graves, neither has a readable memorial.
- 3.23 It is expected that any rights, claims or interests in the graves in these sections of the old cemetery could be resolved. In other cemeteries where this issue has arisen re-burial in another part of the cemetery is often an acceptable remedy and this could be funded out of the proceeds of the sale of the Mayo Road site. If substantial concern emerged from those with burial rights, then officers will re-assess proposals. It may be that the cemetery is improved in some other way.

Summary

- 3.24 As there were only three objections raised to these proposals during the six week period and the significant support of the school, your officers believe that the creation of the new park and MUGA, as outlined in this report, are broadly supported by the local community. The implementation of these proposals is still dependent on the outcome of the "burial plot" consultation which ends in October, although it is hoped that if any objections are received, they will be capable of being resolved.

3.25 If there are insurmountable objections from burial plot owners on the wider park proposals then the council could re-configure the park or change the nature of the open space proposals. While the park is considered to be the best mitigation in planning terms for the loss of open space at Mayo Road, if this does not prove to be possible then other improvements to the cemetery land could be made within the budget to enhance its open space value.

Planning Application

3.26 Officers would recommend that a planning application be lodged in the summer of 2007 to deal with new housing, provide specification details of the MUGA and links the development of the housing with funds to bring forward a new park or in the event of significant opposition, a revised package of open space improvements.

3.27 Further consultation would of course be undertaken as part of the planning process.

3.28 Assuming the development receives planning permission, the Director of Environment & Culture will put forward proposals for improvements to the park after consulting with local people and the school's agreement on the final design. That design will be tendered and reported back to the Council's Executive. By this time it is anticipated that the payment for the Mayo Road open space would have been received and available to pay for the laying out of the new park.

4.0 Financial Implications

4.1 The Big Lottery Fund will pay for the cost of the MUGA to a maximum of £85,000 but funding is only secured until the end of March 2008. The new park is estimated to cost £800,000 (including costs to remove memorials and potentially remains) and this would be funded from the sale of Mayo Road. Sale proceeds are likely to be in excess of the £800,000 needed but will depend on the actual amount of housing built on the open space and its market value at the time.

4.2 It is anticipated that an upfront payment will be made by Fortunegate Community Housing (part of Catalyst Housing Group) for a proportion of the sale value of the Council owned land. This would cover the funding of the MUGA before reimbursement of Lottery Funding and this would also meet the additional costs of the MUGA not covered in full by the BLF funding. If the MUGA was not completed to meet BLF timescales (March 2008) then the costs could be met from the £800,000 S106 funding and either the remainder of the park would need to be reduced in quality or further S106 would be brought to the project from other developments planned in the locality.

4.3 The passive recreation/wildlife area to be used by the school, if created, would be let to the school, most likely with a license agreement, and any value (albeit very limited) will be retained by the Council.

- 4.4 The Council's Parks Service welcomes the Capital injection for a new park. It estimates that a new park will cost a further £20,000 a year in revenue costs less a proportion of maintenance costs on the existing open spaces. However, these existing costs are very small as the current maintenance regime has been scaled back at the cemetery and Mayo Road. It is unlikely that the park would be completed before March 2009 therefore revenue costs would not be required until the 2009/10 financial year. We would anticipate that by this time the proposed new developments in the surrounding area would fund revenue costs in the medium term. If this is not the case the Parks Service would seek additional funding as part of the 2009/10 budget process at the earliest.

5.0 Legal Implications

- 5.1 The re-use of land which has actually been used for burial purposes will be subject to the requirements of the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950 as to the disposal of monuments. These Regulations provide for the publishing of notices in a local newspaper and putting a notice in the burial ground of the intention to remove the monuments. This gives the personal representatives or relatives of any deceased person the opportunity to undertake the removal of the memorial themselves.
- 5.2 The total estimated cost of the design work is below the threshold at which it would be subject to the EU Regulations in full but the general principles of transparency and non-discrimination will apply. The contract for the design work is a Low Value contract under standing orders and three quotes are required to be obtained before the contract is awarded. The position under the EU Regulations and the Council's standing orders is the same for the proposed MUGA. Further contracts to be entered into in establishing the new park once detailed proposals are developed will need to comply with relevant EU Regulations and Standing Orders.
- 5.3 The Council has advertised the proposed disposal of the Mayo Road Open Space in the local press in accordance with the statutory public consultation provisions of Section 123 of the Local Government Act 1972. The period for representations expires on 25th May 2007. If any representations are received these will be the subject of a supplementary report to the Executive Committee for consideration

6.0 Diversity Implications

- 6.1 Brent's Statement of Community Involvement (adopted in June 2006) highlights the importance of engaging the public in the preparation of planning applications and planning policy documents. An inclusive approach is being undertaken to ensure that different groups have the opportunity to participate and are not disadvantaged in the process.

7.0 Staffing Implications

7.1 None

8.0 Environmental Implications

8.1 The creation of a new park and the redevelopment of underused sites would improve the environment of the area, although a small area of open space will be lost at Mayo Road, the land is not currently used by the school as it is insecure and suffers from vandalism and general crime.

Background Papers

- Executive Report 12th April 2005
- Planning Committee Report 16th March 2005
- DCLG Grant Conditions Document, 2006
- Executive Report, 13th November 2006
- Executive Report, 15th January 2007

Contact Officers

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Richard Saunders
Director of Environment & Culture

Chris Walker
Director of Planning

APPENDIX 1
CONSULTATION LEAFLET

If you have any **general comments** on the proposals outlined in this leaflet please make these in writing by **12th April 2007** and send them to Mary-Ann Bye (details below). Further information can also be found on our website (www.brent.gov.uk/planning and click on "regeneration proposals") or by contacting:

Mary-Ann Bye
Regeneration & Design Team
The Planning Service
Brent House, 349 High Road,
Wembley, Middlesex, HA9 6BZ
Email: mary-ann.bye@brent.gov.uk
Tel: 020 8937 5368

new park for Church End



March 2007

This leaflet describes proposals for creating a new park and multi-use games area in Church End. The Council is looking for your views on these – details of how to comment are on the back page. Key elements of the proposals are:

**new games facilities &
childrens play areas**

**improvements to open
space**

**creating a new heart of
Church End**

**brings parts of disused
cemetery land back
into use**

new memorial garden

If you have a family memorial in the affected area, please contact Bob Sangford, Head of Cemeteries

Bob Sangford
Cemeteries Office
Civic Centre
Wembley, Middlesex
HA9 6BZ

Email: bob.sangford@brent.gov.uk
Tel: 020 8937 5368



detail

Brent Council is working with Fortunegate Housing Association to regenerate Church End. The council has already consulted on these proposals, including building new homes on Mayo Road open space, to raise enough money to create a **new park** in the heart of Church End. The park is proposed on a **third of St Mary's Cemetery** (also known as Willesden Old Cemetery) and on housing amenity land fronting Church Road (see map).



Postman's Park, EC1

The park would be on zones F and G of the cemetery only (see map below). These sections have few memorials, most of which are very old. All legible memorials will be moved to the northern section of the cemetery and will be properly displayed in a **memorial garden**.



There are three war graves in the proposed park area. The council is consulting with the Commonwealth War Graves Commission to make arrangements for these. The remaining two thirds of the cemetery will be kept as a **cemetery and improved**.



A new **Multi-Use Games Area (MUGA)** is proposed to be sited adjacent to St Mary's Primary School on disused open space. MUGAs are games areas that can be used for a variety of sports, in particular ball games. The facility on this site would be used by the school during school hours, and would be available for public hire outside of these hours and at weekends. Funds to build the MUGA have been secured through the Big Lottery Fund.



Mount St. Gardens, London

The transformation of old cemeteries into parks has created some of the most well used parks and spaces in London. Some examples are illustrated on these pages. **No graves** will be **disturbed** to create the park.



Paddington St. Gardens, London



APPENDIX 2
CONSULTATION RESULTS

Responses to Consultation on New Park Proposals for Church End (1st March 2007 – 12th April 2007)

| Ref | Name | Address | Summary | Full Comment | Draft Response |
|-----|-------------|-----------------------|--|---|--|
| 1 | Irene Sharp | Not given | Would like to see cemetery kept but improved with trees and flowers etc and toilets for both dogs and owners. Also would like to see area in front of hall used for market and a car park. | First I would like to say how pretty the new park will look for the first six months there is already a some park area with trees wide flowers and grass, but isn't it a sham that the only people that use it are dog owners, alcoholics and junkies. As this area is rich in history wouldn't it be nice to keep some of it instead of distorting it as you normal do. As for the cemetery as like the park area outside it is used as a dog toilet, human toilet, a sleeping area for the homeless, a scoter riding and burning of scoters that have been stolen area, for the local hooligans. If you wish to spend money on this area it can look just as nice as a well keep cemetery with trees flower and park benches for people to sit on and chemical dog toilets for the dog owners and a porta loo for the rest of us. In fact the small area in front of the hall and cottages should be used for the market and a car park for the church for wedding and funerals which would open the area up and give the church new life it is a beautiful church and it could look better with your help you could even advertises wedding and funerals in the Brent Mag. Stop destroying are history just make it look better instead. | As part of the development of new homes at Mayo Road, funds will be secured for the provision of new toilets for the public and bus drivers. The money will also pay towards the planting of new trees and flowers and benches in the new park. The aim of creating a new park is to encourage more people to use the area which will in turn make the area less vulnerable to crime and anti social activity. The park will also be fenced making it possible to lock it at night. The market in Willesden is planned to be a central part of the redevelopment of the Church Road Car Park site as there would be issues with parking etc so close to residents of the cottages along the Path and turning circles etc. |
| 2 | Mrs E Lane | St Mary's Church Path | Would like more detailed information on plans for the area. Should ensure park is fenced off, records of graves moved, could keep cemetery as it is if it was looked after better. Other comments on litter and toilet issues in the area and also problems with cars cutting through the area. | As a resident who lives very near the proposed "Church End Park". It would have been very nice if we had been consulted to air our views on the said plans. Maybe as a private tenant and not a Fortunegate tenant we don't matter. There are already open spaces in the area, creating a park slightly out of the way, will in my opinion be just a haven for drinkers and drug addicts, which we have already quite a number. This is noticeable when walking down "Church Path" by the amount of beer cans thrown into the "Vicar's Plot". Understood we had until 12 April to make any comments, wonder if its worth it, seeing as the area is already being measured up. Questions I would like to ask: (1) Will the park be separated by a fence from the churchyard? If not can see the churchyard becoming an extension of park with children and dogs running over said area. (2) Where is memorial garden being situated? (3) What about war graves? (4) Gravestones that are removed, will record be kept on where they are placed in memorial garden. People visit St Mary's Church from all over the world often looking for people's graves in Willesden Old Cemetery. (5) How will you stop cars parking for park, and taking short cut into Mayo Road, as they do now. Church Path supposed to be walk way except for church access. (6) Will park and memorial garden be patrolled day and evening? (7) Litter is a major problem around the area, even though there are bins. Using area as a toilet also is a problem. (8) The area in Neasden Lane could be made better, maybe it would be used more. If so then there wouldn't be any reason to do away with | This consultation is your opportunity to comment on proposals and we have also attempted to meet with those most affected by the proposals. Part of the cemetery has been measured up to ascertain whether any graves would be affected by the location of the MUGA on the edge of the cemetery. Answers to your queries: (1) yes there will be a fence around the new park. (2) The memorial garden will be situated in the part of the cemetery which is to be retained and improved, but a definite location has not been decided yet. (3) The council is consulting with the War Graves Commission about the war graves in the area to ensure their appropriate and sensitive treatment. (4) Records of graves moved will be kept. (5) The fencing around the park will ensure there is no vehicular access – and consideration will be given to the introduction of bollards at the end of the path to ensure there is no vehicular access. (6) The area will be covered with CCTV and patrolled only as part of the standard patrols in the area. (7) New toilets for the public are planned to be provided to the south of the area adjacent to the High Road and new litter bins will be placed in the park. (8) The maintenance |

| Ref | Name | Address | Summary | Full Comment | Draft Response |
|-----|-------------------|--|---|--|--|
| | | | | Willesden Old Cemetery which is a major part of our heritage. If the grass was cut more than once in a blue moon, there would be no reason to remove gravestones. (9) The "MUGA" area to be used by the school, to be available for hire. Will council or Fortunegate have staff to supervise it at such times when it is hired out, or will gate be left open so kids with mini motorbikes can race around. (10) The plans shown on leaflet are not explicit enough. (11) What does the area existing housing amenity land mean? (12) At the end of the day, whatever is said, the council is just going through the motions, its already decided. | regime for the cemetery has been scaled back in more recent years, and the new developments will assist in the improvement of the cemetery area that is to be retained. (9) The MUGA will be managed by St Mary's Primary School and will be locked outside of hours. (10) The plans are indicative only as we will not progress with these plans until we have the results of the public consultation. (11) The area is land not classified as public open space, but originally intended for use by residents of the Fortunegate Estate. (12) The council will only progress with the proposals outlined in the leaflet if there is general public support for the scheme. |
| 3 | Ms S. Daniels | Not given | Should keep the cemetery as it is as its an oasis of calm. | The Cemetery around St Mary's is a small, calm oasis in the middle of a troubled area and it would be very sad to change it in any way at all. The beauty and quietness (which we lack so much in today's society), is more important than anything which could replace it. I ring the bells at St Mary's quite regularly and I'm always delighted by that little conserved area and how, on the whole, it is respected by all. Please don't change it.. | Only part of the cemetery will be affected by the proposals, the remaining parts of the cemetery will be improved using funds raised from the housing development at Mayo Road. The part of the new park on former cemetery land will be for passive recreation and reflection except for the MUGA, and a new memorial garden will be created. |
| 4 | Mrs S.E. Lawrence | Headteacher, St Mary's C of E Primary School | Support the proposals for the MUGA as illustrated in the leaflet. | St Mary's C.E. Governing Body met on Wednesday 21 st March 2007, a copy of your letter to Inigo Woolf (Deputy Director, Finance and Resources) was circulated to governors, together with the Brent leaflet "new park for Church End" (March 2007). A copy of the aforementioned leaflet was also circulated to the parents and pupils of St Mary's. Regarding our conversation yesterday, I write to confirm that St Mary's C.E. Primary School, together with its Governors relinquish the Licence held for the school's use of the existing "caged" area upon completion of the MUGA. Following consultation with our stakeholders, the school governors, staff, parents and pupils are very much in support of the proposed relocation of the specified MUGA. We here at St Mary's in consultation with Brent regarding this proposal have waited several years for this "new build" and now look forward to finally realising our dream of a playground in which our children can play in a safe and secure environment. | Comments are noted. |

APPENDIX 3

LOCATION MAP

Mayo Road – Location of Sites and Ownership Map

