



<b>PLANNING SUB-COMMITTEE A5</b>		<b>AGENDA ITEM NO:</b>	B3
<b>Date:</b> 06/01/2011		<b>NON-EXEMPT</b>	

<b>Application number</b>	P101380
<b>Application type</b>	Full Planning Application
<b>Site Address:</b>	Play Area Adjacent to, 42, Blythwood Road, Holly Park E state, Islington, London, N4 4EU
<b>Proposal</b>	Installation of children's (aged 5-11) play area to roof of existing car park, including slide, double swing, climbing frame, springers, bins and benches and other alterations including resurfacing.

## RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in Appendix 1.

## **INTRODUCTION**

### Site

1. The application relates to a disused kick-about area at roof level of a single storey car park structure located within the Holly Park Estate and on the south west side of Blythwood Road. The structure is located on a sloping site with vehicular access to the car park being from ground level at Holly Park to the south and the main pedestrian access to the roof level being at ground level from Blythwood Road to the north. The roof of the car park was initially opened as a play area in 1971 and last refurbished in 1990. The area has been unused since 2002; however evidence of its former use as a kick-about area remains in the form of the boundary fences and broken playing surface.
2. The surroundings are predominantly residential; the site shares a boundary with residential buildings at 40 and 42 Blythwood Road and is overlooked by a residential building in the Holly Park Estate to the south. Directly opposite the site to the north is the Parkland Walk. The site is not located within a conservation area.

### Proposal

3. Planning permission is sought for the installation of a children's play area including slide, double swing, climbing frame, springers, bins and benches and for other alterations including resurfacing and alterations to the pedestrian entrance.

### **Issues**

4. The main issues arising from this proposal relate to the:
  - Land use;
  - Design;
  - Neighbouring amenity; and
  - Other issues.

### **Relevant History**

5. None.

## **CONSULTATION**

### **Public Consultation**

6. Letters were sent to 55 occupiers of adjoining and nearby properties on Blythwood Road and Holly Park on 06/09/2010. A site notice was displayed on 09/09/2010. The public consultation of the application expired on 30/09/2010.
7. Three written objections have been received and the issues raised can be summarised as follows (*the paragraph number of this Committee report containing the Officer's response to these comments is provided in brackets*):
  - Concern regarding noise levels from proposed playground, increased traffic and congregating groups of children and carers at entrance (note noise and disturbance from previous play area, particularly from older and larger children knocking footballs against walls and into adjoining gardens); (*see paras. 18, 19 & 20*)
  - Concern that play area may attract anti-social behaviour and increase risk to property, cars and personal safety in Blythwood Road (in the past the area has been a focus for anti-social behaviour and vandalism); (*see para. 20*)
  - Increased risk of trespass/burglary to adjoining properties; (*see para. 21*)
  - Proposed equipment (including slide and climbing frame) may result in loss of privacy to adjoining occupiers); (*see para. 21*)
  - Consider entrance should be from Holly Park and not from adjacent to residential buildings on Blythwood Road; (*see para. 19 & 22*)
  - Consider use should be limited to people on the housing estate and not the general public to contain numbers; (*see para. 22*)
  - Playground previously not monitored or locked at a reasonable time; (*see para. 20*)
  - Propose installation of electronic access system over old-fashioned system of locking-up; (*see para. 22*)
  - Query how it is intended to ensure the area is used by only 5-11 year olds; (*see para. 20*)
  - Query whether intended to lock up area at a reasonable time as in parks, and by who; (*see para. 20*)
  - Query whether intended to install video surveillance to deter anti-social behaviour; (*see para. 22*)

- Query who will ensure ball games are not played, when bins would be emptied; (see *para. 20 and 22*)
  - Query whether traffic-calming measures and signage required in Blythwood Road; (see *para. 19*)
  - Tree overhanging the playground could pose risk of accidents and injury; (see *para. 23*)
  - Consider proposal seems overkill and waste of funds when plenty of existing green space and play areas in close proximity; (*this is not a material planning consideration*)
  - Consider it would be better to sell off the land; (*this is not a material planning consideration*).
8. In addition to the above, the applicant, Groundwork in partnership with Homes for Islington and Holly Park and Ilex House Tenants and Residents Associations have confirmed that they carried out extensive consultation in the form of questionnaire surveys and community meetings with residents and stakeholders about bringing the site back into use. On the basis that the play area be aimed at young children and their parents, rather than teenagers who might generate an increase in noise and anti-social behaviour the proposals put forward were welcomed.

### **Internal Consultees**

9. Crime prevention design advisor:
- Recommend stepped access from Holly Park removed;
  - Proposed pedestrian gate at Blythwood Road should be made accessible;
  - Recommend pedestrian barrier be installed on in front of the entrance;
  - Existing shrubbery should be addressed to improve surveillance;
  - Recommend lighting be provided if playground would be in use during the winter time or periods of darkness;
  - Local Safer Neighbourhood Police Team does not have any concerns about the development.

### **RELEVANT POLICIES**

#### **National Guidance**

10. The following national and regional guidance is considered particularly relevant to this application:  
**PPS1** Delivering Sustainable Development  
**PPG17** Planning for open space, sport and recreation

#### **Development Plan**

11. The Development Plan is comprised of the London Plan 2008 (consolidated with amendments since 2004) and the Islington Unitary Development Plan (2002). The following policies of the Islington Unitary Development Plan are considered relevant to this application.

#### **Islington Unitary Development Plan (UDP) (2002)**

##### Environment Policies:

Env1&2 New Development

Env6 Trees  
Env9 Street Furniture, Paving and Streetscene  
Env12 Community Safety  
Env16 & 17 (Protection of amenity)

Design Policies:

D1 Overall Design  
D3 Site Planning  
D4 Designing in Context  
D8 Boundary Walls, Paving and Street Furniture

Recreation and Leisure Policies

R1 Recreation Facilities  
R2 & R3 Quantity and accessibility of open space  
R4 & R6 Local open space, green links and walkways  
R8 Areas of need  
R11 Design of Open Spaces  
R12 Safety and Security  
R13 Estate Open Space

**Supplementary Planning Guidance (SPG) / Document (SPD)**

11. The following SPG's and/or SPD's are relevant:

**Islington UDP**

- Urban Design Guide

**EMERGING: ISLINGTON LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY**

**Planning Weight**

12. The following policies in the draft Local Development Framework (LDF) Core Strategy have been taken into consideration:

**Spatial Strategy**

**Policy 16** (Play space)

**Policy 17** (Sports and recreation provision)

13. The Core Strategy was submitted on 30 June 2010, at which point the formal examination of the plan commenced. The Core Strategy was examined by public inquiry on the week beginning 23 November 2010. The formal examination of the plan continues until the inspector publishes her findings in the New Year.
14. As the draft Core Strategy has now been submitted, the policies contained within it are a material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material

considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft Core Strategy policies and members should always seek specific officer advice before considering voting for refusals on this basis.

## **EVALUATION**

### **Land-use**

15. The proposed development would not result in the material change of use of the land. It would however result in the significant visual enhancement of a site in poor condition and enable an under utilised piece of land to be brought back into valuable public use. The proposal is consistent with PPG17 *Planning for open space, sport and recreation* which recognises that small areas of open space in urban areas provide an important local amenity in terms of offering recreational and play opportunities. PPG17 also encourages local authorities to seek opportunities to improve the value of existing facilities.

### **Design**

16. The proposed play equipment is a product of consultation between the Holly Park Tenants and Residents Association (TRA) and local residents who were involved in the consultation process. The play equipment and benches would comprise traditional yet robust timber structures and in terms of design and materials would be similar to those typical of playground environments. The refurbishment would also include resurfacing and the installation of replacement fencing to match the existing in terms of height and design.
17. The proposals would maximise the potential of the site and be designed to take account of personal security and accessibility. Specifically safety has been taken into account insofar as visibility and surveillance into the site would be improved by replacing the unmaintained shrubbery at the Blythwood Road entrance with low level grass. The existing single entrance from Blythwood Road (which provides the only means of level access) would also be replaced with a level and wider access gate to accommodate pushchairs and wheelchairs. The development is considered to be appropriate in terms of size and scale and would significantly enhance the appearance of the site, the streetscene and surroundings.

### **Neighbouring amenity**

18. Whilst it is acknowledged that the refurbishment of the site to create a playground would have an impact on neighbouring occupiers over and above that generated by a vacant site, it must be noted that this application is not for a material change of use of the land and that the established kick-about area could be reopened at any time. Notwithstanding this, it is considered that the proposed playground would be more compatible with the immediately adjoining residential land uses than the kick-about area and subject to appropriate conditions would not result in demonstrable harm to neighbour amenity.
19. By virtue of the relatively limited range of play equipment proposed (totalling five pieces); it is unlikely that the playground would attract such a high number of users as to cause unacceptable levels of noise or disturbance to surrounding occupiers. On the

basis that it is proposed to retain the two entrances to the playground (with one providing direct, albeit stepped, access to the estate) it is not considered that the Blythwood Road entrance (which is required to provide level access) would at any point become so heavily congested as to obstruct or cause nuisance to the residential occupier of 42 Blythwood Road. Play spaces are most likely to be used by children living close by and the development is therefore unlikely to generate additional road traffic or have any detrimental impact on the surrounding highways. The scale of the development is not considered to be such that any traffic-calming measures or specific signage would be required.

20. The playground equipment has been designed for and is intended for use by children aged between 5 and 11 years old, the majority of which are likely to be supervised. Notwithstanding this, the site would comprise a public space and the age of users accessing it could not be enforced. In light of the history of the site and the proximity of adjoining residential buildings it is recommended that a planning condition be imposed to control the times the playground is open for use. It is noted that no such condition was applicable to the former or existing use of the site. The applicant has confirmed that the TRA has capacity to manage the site and provide a locking up service for the playground and it is therefore recommended that a condition be attached requiring the playground to be open and closed in accordance with the Council's Greenspace Services' standard opening and closing hours which are applicable to open spaces, including playgrounds across Islington. The condition would be worded in such a way as to grant the TRA maximum flexibility to enable them to close and secure the playground earlier than the times stated as may be necessary. Subject to the site being managed in this way, it is considered that opportunities for anti-social behaviour both on and in the vicinity of the site will be minimised.
21. By virtue of the existing high boundary wall, fences and vegetation none of the equipment would facilitate views into the gardens or habitable room windows of any adjoining buildings. None of the equipment would be located within such close proximity to the boundaries as to pose a risk to the security of neighbouring buildings and the layout of the equipment would be such that the scope for playing ball games would be significantly reduced.

### **Other issues**

22. It is not considered reasonable to restrict the use of the playground to children from the Holly Park Estate only. Whilst the site is located on a housing estate, it is likely that demand for additional playground facilities exists outside of its boundaries (including for example on Blythwood Road itself) and on this basis accessibility should be maximised for all children. This is supported by strategic policy 16 of the Core Strategy which states that opportunities for play will be maximised by making play spaces on housing estates welcoming to people from neighbouring areas. It is noted that there were no restrictions on the use of the former kick-about area which was also accessible from the estate itself and Blythwood Road. On this basis the installation of an electronic access system or video surveillance is not considered to be necessary or reasonable.
23. The proposed development would have no impact on the existing trees in the vicinity of the site. Whilst leaf drop from overhanging trees could present a risk to users of the playground, this risk would be no greater than that posed to users of the former kick-about and will need to be managed accordingly.

## SUMMARY AND CONCLUSION

### Summary

24. The proposed development would not result in the material change of use of the land but would result in the significant visual enhancement of a site in poor condition and enable an under utilised piece of land to be brought back into an appropriate and valuable public use. Subject to a condition relating to suitable opening and closing times the development would not have a harmful impact on the amenities of any adjoining occupiers in terms of overlooking, loss of privacy or noise that would justify refusal of planning permission.

### Conclusion

24. It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
<b>Application reference</b>	P101380
<b>Proposal</b>	Installation of children's (aged 5-11) play area to roof of existing car park, including slide, double swing, climbing frame, springers, bins and benches and other alterations including resurfacing.
<b>Drawing numbers</b>	Design and Access Statement, Location Plan, Photographic Survey, Existing and Proposed Section (A), Existing and Proposed Section (B) (LBI REG: 13801), General Arrangement Plan (LBI REG: 13802).

<b>Type of application</b>	Full Planning Application
<b>Name of applicant</b>	Groundwork London
<b>Name of agent</b>	Groundwork London
<b>Case officer</b>	Matthew Durling
<b>Ward</b>	Hillrise Ward

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

#### List of Conditions:

1	<b>CONDITION:</b> The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  <b>REASON:</b> To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
---	---

2	<p><b>CONDITION:</b> The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, Location Plan, Photographic Survey, Existing and Proposed Section (A), Existing and Proposed Section (B) (LBI REG: 13801), General Arrangement Plan (LBI REG: 13802).</p> <p><b>REASON:</b> To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>CONDITION:</b> The proposed pedestrian gate as shown on the hereby approved General Arrangement Plan drawing shall be of an open mesh design to permit views through and to facilitate natural surveillance of the site. The gate shall be installed prior to the first use of the playground and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p><b>REASON:</b> To ensure the provision of full and convenient access to the playground and to safeguard the safety and personal security of users in accordance with policies Env12 (Community safety) and R12 (Safety and security) of the Islington Unitary Development Plan 2002.</p>
4	<p><b>CONDITION:</b> The playground shall be secured shut and not open for public use on any day except between the hours of 0800 and the following latest closing times:</p> <p>January (1600), February (1700), March, until GMT stops (1800), March, once BST begins (2000), April (2000), May (2100), June (2100), July (2100), August (2000), September (1900), October, until BST stops (1800), October, once GMT begins (1600), November (1600), December (1600).</p> <p><b>REASON:</b> To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises in accordance with policy Env17 (Protecting amenity) of the Islington Unitary Development Plan 2002.</p>

## RECOMMENDATION B

That if members are minded to approve this proposal officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (Unitary Development Plan 2002 and the London Plan 2008), Government Planning Policy Guidance/Statements and other material considerations.

- This decision was made by the Members of the Planning Sub-Committee at the meeting on 06/01/2011;
- The proposed playground equipment and associated improvements would enable an under utilised piece of land to be brought back into valuable public



use in accordance with PPG17 (Planning for open space, sport and recreation) and policies R1 (Recreation facilities), R2 and R3 (Quantity and accessibility of open space), R4 (Local open space), R8 (Areas of need) and R13 (Estate open space) of the Islington Unitary Development Plan 2002 and policies in the Core Strategy (Draft Submission) 2010;

- The proposed playground equipment and associated alterations are considered to be appropriate in terms of size and scale and design and materials and would significantly enhance the appearance of the site, the streetscene and surroundings in accordance with policies D1 (Overall design) and D4 (Designing in context) of the Islington Unitary Development Plan 2002 and policies in the Core Strategy (Draft Submission) 2010;
- As revised, the installation of a wider access gate and improved natural surveillance of the site would maximise accessibility and ensure the safety and personal security of users in accordance with policies Env12 (Community safety) and R12 (Safety and security) of the Islington Unitary Development Plan 2002 and policies in the Core Strategy (Draft Submission) 2010; and
- The development would not have a harmful impact on the amenities of any adjoining occupiers in terms of overlooking or loss of privacy and subject to a condition to control the opening and closing times of the playground would not result in a level of noise or disturbance that would justify refusal of planning permission in accordance with policies Env17 (Protecting amenity) and D3 (Site planning) of the Islington Unitary Development Plan 2002 and policies in the Core Strategy (Draft Submission) 2010.