



PLANNING SUB-A COMMITTEE
Date: 25/10/2012

AGENDA ITEM NO: B2

Application number	P121330
Application type	Full Planning (Council's Own)
Ward	St Mary's
Listed building	Unlisted
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	None
Licensing Implications	None
Site Address:	Community Gardens, Arundel Square, London N7
Proposal	Retrospective application for installation of tree house play structure

Case Officer	Ben Dixon
Applicant	LBI – Green Space
Agent	n/a

1. APPLICATION DEFERRED

- 1.1 The current application reference P121330 was previously considered by the Planning Sub-A Committee at the meeting held on the 10 September 2012. The application was deferred by Members in order to allow a Members' site visit to take place.

2. ADDITIONAL INFORMATION

- 2.1 Since the application was deferred at the meeting on 10 September 2012, an online petition, completed by 514 people, which is in support of the retention of the tree house has been received.
- 2.2 Since the application was deferred, the applicant has provided additional information with respect to recorded visits to Arundel Square from Parks Patrol.
- 2.3 The additional information indicates that the Park Patrol have visited Arundel Square more frequently since the tree house has been installed than they did during the same months in the previous year. However, the number of instances where offences were recorded or action was required to be taken did not increase significantly from the year prior to installation of the tree house. Green Space (the applicant) has advised that

Parks Patrol were instructed to increase their focus on Arundel Square following the installation of the tree house and subsequent complaints from the public. Therefore, the increased number of visits by Parks Patrol since the installation of the tree house can at least in part be explained by this request for increased focus on the park. The additional information also indicates that on many visits the Parks Patrol found no issues and when issues were found they were not generally relating to illegitimate use of the tree house. For example in May and June of 2012, the Parks Patrol visited Arundel Square on 44 occasions resulting in 16 recorded instances of offences / instances when action was required to be taken. However, of the 44 visits, only 5 instances were recorded as issues relating specifically to the tree house. The majority of the offences and instances where action is required relate to dog fouling and drug related issues that are not linked to the tree house. The applicant has advised that Park Patrol can be advised to further increase their focus on Arundel Square if this is considered to be necessary.

- 2.4 The potential for altering the tree house or enclosing either the whole of Arundel Square Park or the tree house structure have been explored. However, the tree house is a bespoke piece of play equipment which has been carefully and thoughtfully designed so as to provide a specific experience and specific skill building opportunities for older children and as such, it is not considered that it could easily be altered to prevent unauthorised night time use without detrimentally impacting on the benefits for children which it was specifically designed to provide. With respect to the potential for the erection of high fencing either around the whole park or around the tree house structure itself, it is considered that neither of these options would be practical and both would result in unacceptable harm to the character and appearance of the park and the surrounding conservation area. Furthermore, experience from other locations within the borough where high fences have been installed, such as around football pitches, have resulted in people cutting through the fences to gain access.

3. ASSESSMENT OF ADDITIONAL INFORMATION

- 3.1 The additional information which has been provided has not resulted in a change in the views set out in the original officer report to committee (attached as an Appendix A to this report).
- 3.2 The tree house structure provides unique play opportunities, contributes to the delivery of a wide range of Council policies, is well integrated into the existing design of the Gardens and responds to a need that has been identified by the local community. The tree house has generally been very well received by the local community and is very popular with local children and families.
- 3.3 Concerns have been raised by occupiers of the neighbouring Blackthorn Avenue development, however, it is considered that the retention of the tree house would not result in unacceptable harm to the amenity of any neighbouring occupiers or their security. Any negative impacts, associated with the potential for unauthorised use of the tree house structure at night time when the park is closed, are considered to be outweighed by the clear benefits to the community as a whole.
- 3.4 Therefore, it is recommended that the planning permission should be granted for the retention of the tree house structure.



APPENDIX A

PLANNING SUB-A COMMITTEE	AGENDA ITEM NO:	B6
Date: 10/09/2012		

APPLICATION NUMBER	P121330
APPLICATION TYPE	Full Planning – Council's Own
SITE ADDRESS:	Community Gardens, Arundel Square, London N7
PROPOSAL	Retrospective application for installation of tree house play structure

RECOMMENDATION

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

INTRODUCTION

Site and Surroundings

1. This application relates to the Community Gardens within Arundel Square. The majority of the site comprises a grassed open park. To the northeast corner of the site is an under 7's children's play area and an enclosed ball games area. To the southwest corner of the site is an area of wild flower planting. There are two lines of mature trees within the site, one along the north boundary of the site and a parallel line running through the centre of the park. A tree house play structure has been installed around the trunk of two of the trees in the central line towards the west side of the site.
2. The gardens are surrounded on all sides by residential properties, with locally listed Victorian terraces to the north, east and west fronting Arundel Square, and a recently completed six storey contemporary development to the south fronting Blackthorn Avenue (approved under planning permission P022833). The site is located within the St Mary Magdalene Conservation Area.

Proposal (in Detail)

3. This application is seeking retrospective planning permission for the retention of the tree house play structure which was installed in March 2012, without the required planning permission. The structure comprises three circular platforms around the trunk of one tree and one low level platform around the adjacent tree. These platforms are constructed of oak. The lowest platform and the two lower platforms of the three form accessible levels, accessed via rope ladders. The upper platform of the three forms the roof of the structure and is inaccessible. The two upper accessible platforms are surrounded by a chain-link mesh. The total height of the structure from the ground is 6.7m. The height of the lower platform level is 2.1m and the height of the upper platform level is 4.4m.

Issues

4. The main issues arising from this proposal relate to the:
 - Design and conservation
 - Neighbouring Amenity
 - Safety / Security / Anti-social behaviour
 - Impact on the tree

Relevant History

5. **November 2007:** Planning permission (reference P022833) granted for 'Extension of Arundel Square Gardens over the railway and erection of a six storey plus basement building on the south railway verge and derelict goods yard to provide 147 homes with underground parking.'
6. **July 2009:** Planning permission (reference P090790 and associated Conservation Area Consent reference P090791) granted for works to improve the Arundel Square Gardens comprising: 'Removal of the existing buildings. Re-landscaping of site incorporating deck area over railway line. Provision of new metal railing boundary fence incorporating four entrance gates around perimeter of the Gardens. Formation of remodelled enclosed

play area for younger children at north east corner of gardens & small ball court area with wire mesh ball-stop fence on eastern side of gardens south of enclosed play area.

CONSULTATION

Public Consultation

7. Letters were sent to occupants of 319 adjoining and nearby properties at Arundel Square, Blackthorn Avenue, Westbourne Road, and Arundel Place on 26 June 2012. A site notice and press advert were displayed on 28 June 2012. The public consultation of the application therefore expired on 19 July 2012, however it is the Council's practice to continue to consider representations made up until the date of a decision.
8. At the time of the writing of this report a total of 91 responses had been received from the public with regard to the application, of which a total of 17 raise objections to the proposal and 74 provide support. All 17 responses objecting to the proposal came from residents of the recently completed development fronting Blackthorn Avenue. The issues raised can be summarised as follows:
 - Excessive size and height of the structure;
 - Unattractive design and appearance which is out of character and spoils the square;
 - Harm to visual amenity / view for neighbouring occupiers;
 - Loss of privacy due to overlooking into windows;
 - Increased levels of youth anti-social behaviour;
 - Noise and disturbance at night time;
 - Reduced security for neighbouring occupiers;
 - Increased amounts of litter and environmental degradation in the park;
 - Dangerous design;
 - Harm to the tree;
 - Limited consultation with neighbours prior to installation;
 - Reduced opportunities for adults to enjoy the park;
 - Waste of Council Money;
 - Retention of the tree house would set a precedent for further similar development
 - There is no need for the tree house as there are already sufficient play resources at the other end of the park and at nearby parks.
 - Failure to adhere to planning law;
9. The response received in support of the proposal came from local residents as well as the Ellington Street Residents Association, London Play and Islington Play Association. The points raised in support of the proposal are summarised as follows:
 - The tree house is a great resource for local children which is well used and an asset to the local community;
 - The tree house is a unique facility within this area which is interesting and challenging for older children to play on;
 - The tree house provides a positive focal point for an often neglected age group and discourages them from using and potentially damaging the other play equipment in the park which is intended for younger children;
 - The tree house is well designed for children to play safely on;

- The introduction of the tree house has given the square more balance in its use, as it now provides something for all age groups with plenty of space for quiet reflection by adults, allowing the whole community to integrate;
- The tree house benefits the wider community not just the direct neighbours;
- There has been play equipment in Arundel Square for many decades in current and previous incarnations, as it is a mixed family neighbourhood;
- The re-landscaped Arundel Square looks fantastic and has reduced anti-social behaviour;
- There is so little green space in Islington and there are so few opportunities for children to climb trees;
- With the current levels of childhood obesity we must give children every opportunity to be outside and active around nature;
- For some children whose parents don't have the means or time to take them to after school activities the tree house represents an engaging way to gain the physical exercise needed to keep physically and mentally fit;
- The tree house provides challenge, release, freedom and fun for local children from all the diverse socio-economic and cultural groups in the area;
- The tree house has been thoughtfully and sensitively designed to harmonise with the natural environment and does not detract from the beauty of the square;
- Any negative impact on neighbouring residents must surely be outweighed by the positive benefits for many local children and the community as a whole;
- The tree house is very popular with local children and families;
- Opening up and improving the park was one of the conditions under which the new apartments on the park were built;
- The park is a municipal public space for the good of the community, not a private garden for residents of the new development;
- The park provides valuable outdoor playing space for many local children that do not have access to a garden at home;
- It's great to see investment in new imaginative play facilities for kids in the borough;
- The previous playground catered for a wider age range of children than the new playground for under 7's, but the tree house has addressed this issue;
- The tree house was built following extensive consultation with local residents and users of the park;
- There have always been young teenagers hanging around the park at night and removal of the tree house will not stop them from doing so;
- The proposal is in line with the aims of Islington's and the GLA's planning policies and guidance with respect to the provision of play space and play experience for children;
- The materiality of the tree house (steel and timber) appropriately reflects the character of both the park and new contemporary development which flanks the park;
- The way the tree house supports natural play and has been developed to be sensitive to the tree as well as the children is really unique;
- The inventive use of the space in Arundel Square which successfully creates play opportunities for a large range of ages of children and young people as well as seating spaces and visual items that are appropriate for all ages is a model for other spaces in Islington to emulate;
- The teenagers who do use the tree house in the evening are playing like kids again rather than breaking things up around the square and throwing rubbish about;
- When renovation of the gardens was being discussed, before the new apartments were built, there were always plans for a tree house in the park;

- The tree house has led to increased use of the park by local families, discouraging undesirable elements and anti-social behaviour such as dog fouling.

Internal Consultees

10. Conservation and Design Officer – No objection
11. Tree Preservation / Landscape Officer – No objection

RELEVANT POLICIES

National Guidance

12. The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been considered as part of the assessment of these proposals.

Development Plan

13. The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

The London Plan 2011 - Spatial Development Strategy for Greater London

2 London's places

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.9 Mixed and balanced communities

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS8 (Enhancing Islington's Character)

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Islington Unitary Development Plan (2002)

Environment Policies:

Env4 (Improvement Works)

Env5 & 6 (Protecting Trees)

Env12 (Community Safety)

Env15 (Small Children and their Carers)

Env16 & 17 (Protection of Amenity)

Conservation and Design Policies:

D3 (Site Planning)

D4 (Designing in Context)

D6 & 7 (Landscape and Public Facilities)

D22 (New Development)

D24 (Materials)

Emerging Policy Documents

Islington's Development Management Policies – Proposed Submission, October 2011

The Submission stage version of Islington's Development Management Policies document was presented to and approved by full Council on 26/06/2012. This document is considered to be 'sound' (i.e. positively prepared, justified, effective and consistent with the National Planning Policy Framework) and was submitted to the Planning Inspectorate for Independent Examination on 16/08/2012. The document sets out in detail the Council's approach to determining proposals for the next 15 years and, whilst not adopted, contains emerging policies that are a material planning consideration and to which considerable weight can be attached.

Design and Heritage

DM1 Design

DM2 Inclusive Design

DM3 Heritage

Shops, Culture and Services

DM29 Social and strategic infrastructure and cultural facilities

Health and open space

DM34 Healthy development

DM35 New and improved public open spaces

DM38 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM40 Sustainable design and construction statements

Designations

14. The site has the following designations under the London Plan 2011 and Islington Development Plan:
- Conservation Area
 - Rail Safeguarding Area
 - Mayor's Protected Vista

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Islington Development Plan

- Conservation Area Design Guidelines
- Green Construction
- Inclusive Landscape Design
- Planning Standards Guidelines
- Urban Design Guide

London Plan

- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

EVALUATION

Background

16. Arundel Square Gardens is a publicly accessible open space located in St Mary's ward and adjacent to Barnsbury and Caledonian wards. Historically the park has always provided public amenity space for local residents with children's play equipment being present in the park for several decades. However, by the early 2000's, the park was virtually derelict, poorly used, and suffering from a flawed design.
17. When planning permission (reference P022833) was granted in November 2007 for construction of a six storey development of 147 homes on the south railway verge and derelict goods yard adjacent to Arundel Square Gardens, this permission included extension of Arundel Square gardens over the railway and provided funding via S106 agreement towards the redesign and improvement of the Gardens.
18. It should be noted that planning permission (reference P022833) was granted on the proviso that the approved development would provide significant benefits to the local community through the redesign and revitalisation of the Arundel Square Gardens.
19. It is stated in the 'Environmental Improvements' section of the committee report for planning application P022833 that 'a major part of the scheme is to deck over the existing railway line in front of the proposed building and to provide that as a landscaped open space as an enlargement to Arundel Square Gardens which will also be fully refurbished. It is considered that the additional 0.6 acres of land in conjunction with a complete refurbishment of the gardens (to a scheme to be agreed in consultation with local residents) is a valuable benefit in an area which is deprived of open space and will result in a good quality amenity space which will benefit not just the immediate neighbourhood but the wider community.' Then, in the 'Conclusion' section of the committee report for application P022833, it states that 'the opportunity for much increased and improved open space offsets the affordable housing shortfall.'

20. Between 2007 and 2010 the Council's Green Space Team worked with a range of stakeholders and the local community to develop a new design for a contemporary interpretation of a traditional London Square.
21. The 2007 project brief for the redesign of Arundel Square Gardens stated: "different ways of approaching play provision should be considered, in line with current guidance from CABI Space, Play England and in Islington's emerging Play Policy. These advocate provision of imaginative and natural free-play elements distributed within the scheme, as opposed to traditional enclosed playgrounds which use 'off-the peg' play equipment."
22. There were several phases of community consultation and engagement including postal surveys, family fun days, art workshops, exhibitions in the park showing concept and detailed designs, and consultation during the application process for planning application P090790 (which secured planning permission for the redesign and refurbishment of the Gardens).
23. The feedback from the consultation process led to a range of changes to the play provision proposed. However, budget constraints meant that the project was unable to provide play opportunities for older children. Following feedback from local residents, the need to include play opportunities for older children was acknowledged, and in 2009 the Council made a successful application to central government to secure Playbuilder funding.
24. The successful Playbuilder funded project was designed to create play opportunities that:
 - integrated into the newly redeveloped gardens
 - focused on the needs of children and young people
 - encouraged children to explore the gardens and to be close to nature
 - included opportunities for adventurous, challenging play among the trees
 - made use of natural materials and surfacing that required low levels of maintenance
25. A Playbuilder steering group was established with a wide range of stakeholders including Council officers, local parents, representatives from the Arundel Square Tenants and Residents Association (ASTRA) and Ellington Street Residents Association (ESRA), local play and youth workers, Islington Play Association and St Mary's ward councillors.
26. Unfortunately, following the May 2010 general election, the Playbuilder funding was withdrawn and the project was put on hold. However, in late 2011, the Council was able to allocate funding to the project, so that it could once again proceed. Having already established the general principles for the project, stakeholders, local residents and park users were then consulted with respect to the finer details of the project proposal.
27. In September 2011, consultation was undertaken, with children and parents using the park asked how the existing play provision could be improved. Members of the former Playbuilder project steering group were also asked for their views. The key themes which emerged from the consultation with respect to improvement of the play facilities were:
 - provide more play opportunities for older children

- make any changes as natural as possible
 - provide more climbing opportunities
 - provide more interactive play
28. In October 2011, posters were displayed in the park advising park users and local residents of the results of the September consultation. In January 2012, posters showing artists impressions of the proposed play equipment installations were displayed in the park, and copies were left with the concierge for the properties on Blackthorn Avenue for viewing by the residents of the development.
29. Following completion of the consultation process, the Council's Green Space Team worked closely with specialist play designers to develop a play structure that met the original aspirations of the Playbuilder project and responded to the key themes which emerged from the later community consultation. There were some physical constraints which affected where and how additional play opportunities could be created:
- there is no space in the existing fenced play area for additional equipment
 - the openness of the central area needed to be retained, both from a design perspective and to ensure that there is enough space for community events like the firework display.
 - mature trees needed to be protected
30. The design of the play structure also needed to accord with the following policy guidance provided in Islington's Inclusive Landscape Design SPD and as a result of the Equalities Impact Assessment:
- engage all the senses
 - present physical and sensory challenges while managing appropriate risks
 - take into account the interests of all children
 - be designed in an inclusive way
 - be inviting for both boys and girls
31. The tree house structure was installed in March 2012. Unfortunately, due to an oversight by the Council's Green Space Team, who incorrectly assumed that the structure could be constructed as Permitted Development (under the Town and Country Planning General Permitted Development Order 1995 as amended), the required planning permission was not sought prior to installation of the structure. This issue came to light following several complaints from neighbouring residents within the Blackthorn Avenue development. This current planning application is seeking to secure retrospective planning permission for the retention of the structure.

Design and Conservation

32. The final design for the tree house structure has balanced the need to provide the best possible play opportunities with those issues identified during public consultation and the constraints imposed by the site and relevant policy guidance.
33. The tree house structure has been installed towards the west side of the park within an area which was originally designated as a woodland walk area on the approved landscaping master plan (for application P090790). It is considered that the experience of the approved woodland walk area has been enhanced through the installation of the

tree house, which provides the opportunity for close interaction with the trees and associated wildlife.

34. The structure has been designed to provide a range of inclusive play opportunities which engage many of the senses. It is specifically designed to provide:
- opportunities for children to develop and test a wide range of physical skills and for children of different abilities to play together
 - a child-centric social space close to the existing 'feast table'
 - a variety of textures (tree bark, wooden deck, metal supports, rope nets)
 - a unique view of the gardens
 - a unique opportunity to climb high into a tree and listen to the wind blowing in the leaves and see the tree canopy and associated wildlife at close hand.
35. The design and materials which have been used to construct the tree house, draw on the existing design and materials utilised with the Garden. The platform decks and roof are constructed of FSC certified oak and match the design of the tree seat in the centre of the park. The metal work is galvanised rather than powder coated to match other metalwork in the park. The grass mat safety surface underneath the structure will allow the grass to grow through, successfully balancing safety and aesthetic considerations.
36. It is considered that the location, scale, design and external finish of the tree house structure are in keeping with the character and appearance of the Gardens and surrounding townscape. It is considered that the character of the surrounding conservation area would be appropriately preserved with the retention of the tree house structure. Therefore, the proposal is considered to be in accordance with policies 7.4, 7.5, 7.6 and 7.8 of the London Plan 2011, policies CS8 and CS9 of the Islington Core Strategy 2011, policies D4, D22 and D24 of the Islington Unitary Development Plan 2002, together with policies DM1 and DM3 of the emerging Islington Development Management Policies (Proposed Submission June 2012).

Neighbouring Amenity

37. The Islington Planning Standards Guidelines SPG provides guidance with respect to the preservation of residential amenity. This document advises that balconies or windows facing windows of habitable rooms in residential properties should have a minimum separation distance of 18m. The tree house is 28m from the nearest residential properties, which are to the south of the Gardens within the contemporary development fronting Blackthorn Avenue. The tree house is 47m and 57m from the nearest residential properties to the west and north respectively on Arundel Square. It should be noted that separation distances between habitable windows of facing properties on surrounding roads vary from 17m to 23m. Therefore, the relationship between the tree house and the nearest properties within the Blackthorn Avenue development is at a greater distance than for facing residential properties on surrounding roads. As such, it is considered that the tree house does not result in unacceptable harm to the amenity of any neighbouring occupiers as a result of loss of privacy due to overlooking.
38. Taking into consideration the design and scale of the tree house and its location and orientation with respect to surrounding buildings, it is considered that the tree house does not result in material harm to the amenity of any neighbouring occupiers as a result of loss of light, loss of outlook or increased sense of enclosure. It is also considered that the legitimate use of the tree house during the hours when the park is open does not

result in unacceptable harm to the amenity of any neighbouring occupiers as a result of undue noise and disturbance. Therefore, the proposal is considered to be in accordance with policy 7.15 of the London Plan 2011, policies Env17 and D3 of the Islington Unitary Development Plan 2002, policy DM1 of the emerging Islington Development Management Policies (Proposed Submission June 2012), and the guidance contained in the Islington Planning Standards Guidelines SPG.

39. Issues with respect to the use of the tree house by teenagers at night time when the park is closed is dealt with in the 'Safety / Security / Anti-social Behaviour' section below.

Safety / Security / Anti-social Behaviour

40. The structure has been deliberately designed to be as open as possible to create a sense of adventure for children and to avoid creating spaces where anti-social behaviour could happen unobserved. During the design process elements of the structure were changed to ensure the structure is as inclusive as possible and avoids creating hazards which are not obvious to children. A risk-benefit assessment has been carried out for the structure, in line with the Council's Developing Risk in Play policy and both the design and the finished structure have been assessed by an independent play safety inspector. The condition of the structure is closely monitored, with a daily visual inspection of the structure at park opening time to ensure that the structure and the surrounding area is clear from litter and the structure is not damaged. Regular technical inspections are also undertaken to ensure the structure is sound.
41. With respect to concerns raised by residents of the Blackthorn Avenue development, in terms of increased levels of anti-social behaviour resulting from the installation of the tree house, the Council's Parks Patrol Service responds to all reports of antisocial, inappropriate or illegal behaviour in the borough's parks. The Parks Patrol Service keep a log of park visits as a result of reports of anti-social behaviour. The Parks Patrol Service has advised that they have visited Arundel Square recently to deal with reports of people using the park after it had been locked at night and various antisocial activities. However, none of these issues was specifically relating to the use of the tree house. In June 2012, the Parks Patrol Team visited Arundel Square 20 times and recorded 16 offences. It is necessary to recognise that these figures are relatively low when compared to other nearby parks.
42. Based on the records provided by the Parks Patrol Service, it is clear that there are on going issues with anti-social behaviour within Arundel Square Gardens as with many other nearby parks. However, the Parks Patrol Service records do not support the claim that the installation of the tree house has resulted in a material increase in anti-social behaviour within the park. Therefore, it is not considered that removal of the tree house would result in a material decrease in the level of anti-social behaviour in the park. It is considered that the issues with regards teenagers climbing into the park at night when it is closed, and any associated anti-social behaviour issues or noise and disturbance, are management issues to be dealt with by the Parks Patrol Service and or the Police, and do not warrant the removal of the tree house from the park.
43. It is not considered that the installation of the tree house in the park has had a material impact on the security of neighbouring residents within the Blackthorn Avenue development.

44. It is considered that the proposal is in accordance with policy 7.3 of the London Plan 2011, policy Env12 of the Islington Unitary Development Plan 2002 and policy DM1 of the emerging Islington Development Management Policies (Submission Stage Version).

Impact on Tree

45. The tree house structure was designed in close coordination with the Council's Tree Service and an arboricultural specialist in order to develop a non-invasive way to attach the structure to the host trees. The aim was to minimise the impact on the trees while creating a robust, durable and vandal-resistant play structure. The resulting design is non-invasive, adjustable to accommodate future tree growth, and will not affect the future health of the tree.
46. The tree house is built around two London Planes – [Platanus X hispanica (acerifolia)]. The Council's Tree Officer has advised that the London Plane species is known to be hardy and extremely tolerant to pruning. Any previous maintenance pruning works to the tree will have caused more wounds than potential vandalism damage to the tree caused by carving or writing on the trunk. This species is also known to shed the older bark from its stem and crown, as part of its natural lifecycle, and this will result in any damage to this area flaking off. It would be unusual for any minor damage to persist and disfigure or cause structural damage to the tree.
47. Regular arboricultural inspections are undertaken by the Council's tree officers to ensure the tree remains healthy and is not suffering any adverse impacts as a result of supporting the structure or from its use. It is considered that retention of the tree house would be unlikely to materially affect the health of any trees within the Gardens. Therefore, the proposal is in accordance with policy CS15 of the Islington Core Strategy 2011, policies Env5 and Env6 of the Islington Unitary Development Plan 2002 and policy DM38 of the emerging Islington Development Management Policies (Submission Stage Version).

Other Issues

48. Further to the issues discussed above concerns have been raised that there was limited consultation with neighbours prior to installation of the tree house. However, as is detailed in the 'Background' section above extensive consultation was undertaken with stakeholders, park users and neighbouring occupiers over several years as the design of the project evolved.
49. Concerns have been raised that the installation of the tree house has resulted in reduced opportunities for adults to enjoy the park. However, the tree house only incorporates a relatively small area of the Gardens with the majority of the space remaining as open grassed or landscaped areas. Prior to the installation of the tree house, older children were the group least well provided for within the park, however, the tree house has now redressed this. It is considered that the Gardens now provide adequate amenity for all age groups within the local community.
50. Concerns have been raised that the installation of the tree house represents a waste of Council money. While the Council would dispute this claim in the strongest terms, the allocation and spending of Council funds does not represent a material consideration in the determination of planning applications such as this.

51. Concerns have been raised that retention of the tree house would set a precedent for further similar development. However, the installation of any further play equipment within the park, which does not fall under permitted development, would require planning permission and as such, would require the submission of a planning application. The planning application process would provide for the opportunity for public consultation and to make a full assessment of the impact of the installation of any further play equipment. Any further proposals would be assessed based on their merits.
52. Concerns have been raised that there is no need for the tree house as there are already sufficient play resources at the other end of the park and at other nearby parks. However, the play park at the east side of the park is only for under 7's and it has always been the intention to provide suitable engaging play equipment for older children within the Gardens in line with the findings of the consultation process as discussed in the 'Background' section above.
53. Concerns have been raised with respect to the failure of the Council to adhere to planning law. However, while it is unfortunate that an oversight by the Council's Green Space Team has led to a situation where it is necessary to apply for retrospective planning permission to retain the tree house structure which was installed without the required planning permission. This in itself does not prejudice the proper assessment of the acceptability of the retention of the structure and the associated impacts. The proposal has been assessed on its merits based on current planning policy and guidance.

SUMMARY AND CONCLUSION

Summary

54. The tree house structure provides unique play opportunities, contributes to the delivery of a wide range of Council policies, is well integrated into the existing design of the Gardens and responds to a need that has been identified by the local community. The tree house has generally been very well received by the local community and is very popular with local children and families. Concerns have been raised by occupiers of the neighbouring Blackthorn Avenue development, however, it is considered that the retention of the tree house would not result in unacceptable harm to the amenity of any neighbouring occupiers or their security. Any negative impacts, associated with the potential for unauthorised use of the tree house structure at night time when the park is closed, are considered to be outweighed by the clear benefits to the community as a whole. Therefore, it is recommended that the planning permission should be granted for the retention of the tree house structure.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
4. APPLICATION REFERENCE	P121330
5. PROPOSAL	Retrospective application for installation of tree house play structure
6. DRAWING NUMBERS	PS001 Rev C, PS002 Rev B, PS003, PS004, 1.07 Rev F, 1.11 Rev D, 1, Method Statement, Design & Access Statement, Photos

Type of application	Full Planning (Council's Own)
Application received	13-June-2012
Application completed	
Name of applicant	LBI – Green Space
Name of agent	n/a
Case officer	Ben Dixon
Area Team	Minor Applications Team
Heritage information	St Mary Magdalene Conservation Area
Library (holding copy of application)	222 Upper Street
Ward	St Mary's
PS2 code description	All Other Developments Minor
56th day	09-August-2012

RECOMMENDATION A

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

List of Conditions:

1	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PS001 Rev C, PS002 Rev B, PS003, PS004, 1.07 Rev F, 1.11 Rev D, 1, Method Statement, Design & Access Statement, Photos</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
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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 (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub-A Committee on the 10-September-2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The tree house structure provides unique play opportunities, contributes to the delivery of a wide range of Council policies, is well integrated into the existing design of the Gardens and responds to a need that has been identified by the local community.
- The location, scale, design and external finish of the tree house structure are in keeping with the character and appearance of the Gardens and surrounding townscape. The character of the surrounding conservation area would be appropriately preserved with the retention of the tree house structure. Therefore, the proposal is in accordance with policies 7.4, 7.5, 7.6 and 7.8 of the London Plan 2011, policies CS8 and CS9 of the Islington Core Strategy 2011, policies D4, D22 and D24 of the Islington Unitary Development Plan 2002, together with policies DM1 and DM3 of the emerging Islington Development Management Policies (Proposed Submission June 2012).
- Taking into consideration the design and scale of the tree house and its location and orientation with respect to surrounding buildings, the tree house does not result in material harm to the amenity of any neighbouring occupiers as a result of loss of light, loss of outlook or increased sense of enclosure. The legitimate use of the tree house during the hours when the park is open would not result in unacceptable harm to the amenity of any neighbouring occupiers as a result of undue noise and disturbance. Therefore, the proposal is in accordance with policy 7.15 of the London Plan 2011, policies Env17 and D3 of the Islington Unitary Development Plan 2002, policy DM1 of the emerging Islington Development Management Policies (Proposed Submission June 2012), and the guidance contained in the Islington Planning Standards Guidelines SPG.
- The structure has been designed and constructed in a manner that makes it appropriately safe for all children and there is no evidence to suggest that the installation of the tree house has resulted in a material increase in anti-social behaviour or harm to the security of any neighbouring residents. Therefore, the proposal is in accordance with policy 7.3 of the London Plan 2011, policy Env12 of the Islington Unitary Development Plan 2002 and policy DM1 of the emerging Islington Development Management Policies (Proposed Submission June 2012).
- Retention of the tree house would be unlikely to materially affect the health of any trees within the Gardens. Therefore, the proposal is in accordance with policy CS15 of the Islington Core Strategy 2011, policies Env5 and Env6 of the Islington Unitary Development Plan 2002 and policy DM38 of the emerging Islington Development Management Policies (Proposed Submission June 2012).

