CARLISLE CITY COUNCIL

Report to:-

The Chairman & Members of the Development Control

Committee

Date of Meeting:-

7th January 2005

Agenda Item No:-

A2

Public

Operational

Delegated: Yes

Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No
Impact on Customers:	No	No

Title:-

CHILDREN'S PLAY AREA: KINGFISHER PARK,

WARWICK ROAD, CARLISLE

Report of:-

Head of Planning Services

Report reference:-

P.01/05

Summary:-

Members are asked to consider a petition from residents of Kingfisher Park seeking the removal of the play area provided by the developers as part of the overall estate provision. The petition was considered by the Executive at its meeting held on 6 December 2004, but has been referred on to this Committee.

Recommendation:-

That the petition be noted, but that no action is taken in relation to the removal of the play area.

A Eales

Head of Planning Services

Contact Officer:

Alan Taylor

Ext:

7171

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Petition Presented to The Executive on 6th December 2004

1.0 Introduction

- 1.1 Following the receipt of a petition containing 156 names from 102 different address within the Kingfisher Park development, a Report to the Executive was prepared by the Head of Culture, Leisure and Sport (CLS 21/04).
- 1.2 That Report, the petition received by the Council and the Minute of the Executive meeting are attached. The Executive resolved, amongst other matters, that the petition be forwarded for consideration by the Development Control Committee.
- 1.3 Members will note from the Report of the Head of Culture, Leisure and Sport that this Committee's predecessor (the Planning and Land Use Sub-Committee) considered a petition just over 3 years ago requesting the non-provision of the play area, together with a separate petition that the play area should be provided. The Sub-Committee resolved to re-affirm its commitment to the completion of all of the development of Kingfisher Park, including the play area and associated footpath/cycle links.
- 1.4 That decision reflects the fact that it is a requirement of Policy L9 of the Carlisle District Local Plan that within housing developments in excess of 40 units the developer will generally be required to provide appropriate play facilities within the site. If no suitable location can be found within the site the developer may provide an off-site alternative (if one is available). Members will also be aware that in some instances developers have provided funding for the enhancement of existing nearby play facilities in lieu of on-site provision.
- 1.5 Kingfisher Park is a development of 185 dwellings and was approved in 1997 following completion of a S106 Agreement. The siting of the play area, the nature of equipment to be provided within it and the observance of the Council's normal "separation" distance between play areas and the nearest dwellings were subject of considerable negotiation between Officers of Planning and Leisure Services and the developers (Barratt Manchester). The play area is, accordingly, not sited in a location within the heart of the estate, but is located within an extensive area of open space running along the eastern side of the River Petteril.

- 1.6 It is understood that the problems recorded by local residents were at their height shortly after the play area was equipped, but before it was handed over to Leisure Services and hence subject to any maintenance or even management of litter, etc. Since early November, the City Council has taken over its responsibility and the Report to the Executive states that the problems previously being experienced had diminished.
- 1.7 The Council's Policy L9 is based upon Government Guidance relating to the provision of play areas and informal opens space and LPA's are expected to follow that advice when planning proposals for major new areas of housing are being considered. It would, clearly, not be appropriate to abandon the objectives of that Policy, but would be better that the play area and its facilities are managed and mature within the housing area.

2.0 Recommendation

2.1 That the receipt of the petition be noted, but no action taken.

A Eales

Head of Planning Services

Contact Officer:

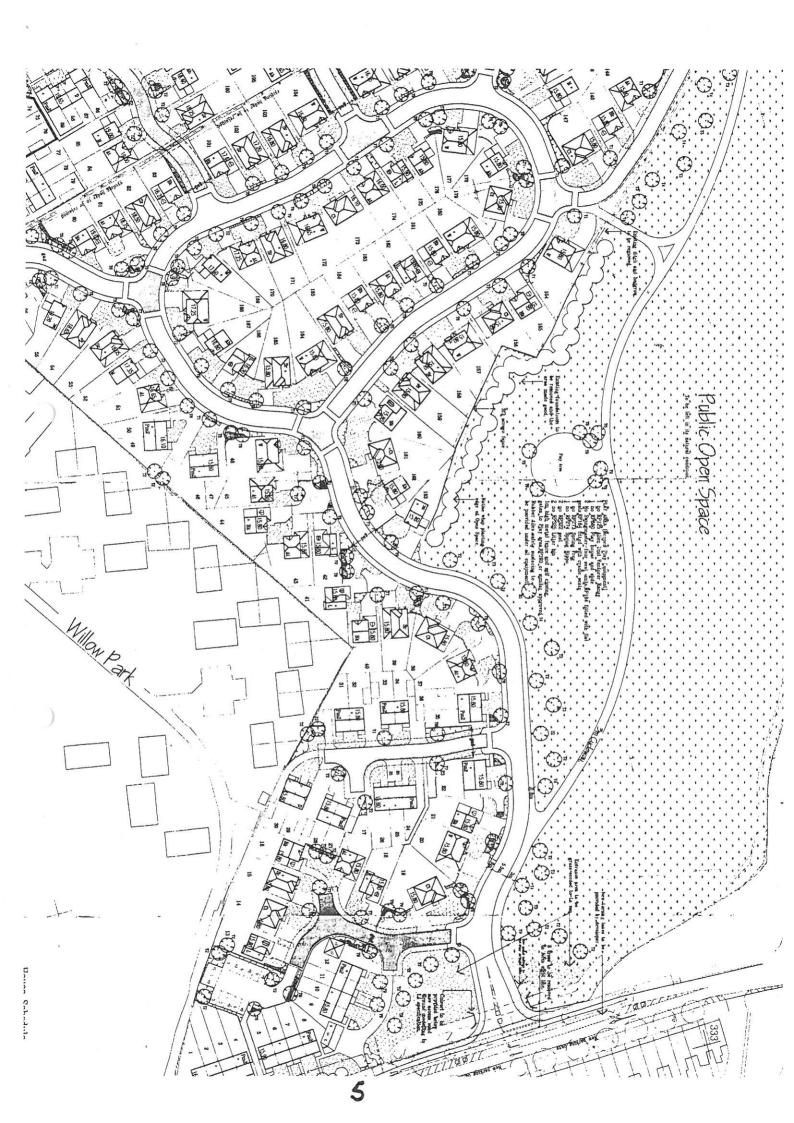
Alan Taylor

Ext: 7171

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Appendix 1

Site Location Map



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Appendix 2

Report CLS 21/04, The Petition & Minute of Executive Meeting

Carlisle City Council

From:

To:

Fao:

INTERNAL MEMORANDUM

Head of Planning Services

Head of Legal and Democratic Services

Please ask for:

Stephen Halstead

AMI

Extension:

7035

E-mail:

StephenH@carlisle-

city.gov.uk

Your ref:

Our ref:

SH/

9 December 2004

PETITION FROM RESIDENTS OF THE KINGFISHER PARK ESTATE

I attach a copy of a Minute from the meeting of the Executive held on 6 December 2004 and accompanying report concerning a petition from residents of the Kingfisher Park Estate seeking the removal of the play area.

You will note that this matter has been referred to the Development Control Committee for consideration and I shall be glad if you will arrange to report to the next Development Control Committee on the issue.

Head of Legal and Democratic Services



Decision	Ref	No:
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Subject Matter:

PETITION RE - PLAY AREA AT KINGFISHER PARK ESTATE, CARLISLE

To consder a report from the Head of Culture, Leisure and Sport (CLS.21/04) concerning a petition containing 156 names from 102 different addresses on the Kingfisher Park Estate regarding the play area. All except 12 residents were requesting the play area to be removed because of vandalism and anti-social behaviour. Residents of 61 properties had not signed the petition, due to them being away when it was conducted, the house being empty, or they wished to make no comment.

Mrs S Beveridge was present at the meeting and spoke to the Executive. She told the Executive that this had been an issue for residents since the estate had been developed. When she had bought her home it was on the understanding that there was an open outlook. The play area had been built three years after the estate had been developed and an adjoining footpath next to the play area was being used as a short cut to Botcherby. Since the play area had been built there had been nothing but trouble with dog fouling, rubbish and teenagers drinking, fighting and making noise. Park equipment had been covered in dog mess and small children using the play area had been threatened by older youths. The area was used by youths riding motorcycles and electric scooters and the Police had been called on numerous occasions. The path next to the play area had become a dog toilet. There had been thefts from garages and sheds on the Kingfisher Park Estate. Noise from youths at the play area could go on as late as 2am or 3am. There was a nearby park which could be used for play. Mrs Beveridge considered that the play area was not being used for the purposes intended and should be removed.

Two Ward Councillors were present at the meeting and spoke in support of the petitioners.

The Head of Culture, Leisure and Sport reported that the City Council had only recently taken over responsibility for the play area and it was now visited three times a week and litter collected. He believed that the problems with litter and vandalism to the equipment were now much improved. The problem with vandalism and anti-social behaviour at the play area could have been as a result of it being in an unfinished state because of the length of time the developer took to complete the facility.

He further reported that the City Council would seek to involve the Community Policeman and Youth and Play Workers to provide alternative activities for youths in the area. Funding had been sought for a multi-use games area in Melbourne Park which could be used by youths in an evening. Problems with dog fouling could be addressed through the Council's Dog Warden Service. Play was critical to a child's development and the City Council would seek to work with young people, voluntary groups and local residents to ensure that the play area was used properly.

The provision of a play area at the Kingfisher Park Estate was a requirement of the planning permission in accordance with normal policy guidelines. The Head of Legal and Democratic Services reported that any change to the planning requirements would be a matter for the Development Control Committee to determine.

The Chairman thanked the petitioners for attending the meeting and presenting their petition to the Executive. As the provision of a play area formed part of the planning consent for the housing development, the petition would be referred to the Development Control Committee for consideration. The Executive asked that action be taken to monitor and address the problems at the play area with a view to ensuring that local residents were no longer affected by anti-social behaviour from youths congregating at the facility.

Decision:

to be closely monitored for the next few months. 2. That people of the area be encouraged to use the facilities available to them at Botcherby and Greystone Community Centres. 3. That arrangements be made for the Council's Dog Warden Service to monitor the area to address the problems with dog fouling. 4. That the petition be forwarded to the Development Control Committee for consideration. Key or Non-Key Non-Kev **Key Decision Ref:** Not applicable Decision: Portfolio: Health and Community Activities Who made decision: Executive Date: 06-Dec-04 Reports and Background Papers Report CLS.21/04 of the Head of Culture, Leisure considered: and Sport Reasons for Decision: The play area is provided for the children of the estate, and for future children of the estate, and its removal would result in the loss of a valuable facility. Nuisance surrounding a new play area usually subsides as the 'novelty value' wears off. The provision of a play area is a requirement of planning permission on any development of 40 or more units. The content of the petition is, therefore, being forwarded to the Development Control Committee for consideration. Summary of Options rejected: None Interests declared None Date published 08-Dec-04 Urgent decision not subject to call in No Consent of Chairman/ Deputy Chairman of Not applicable Council to Urgency: Deadline for call-in: 15 December 2004 at 1700-Implementation date if not called-in: 16 December 2004 Relevant Overview and Community **Scrutiny Committee:** Call-in notified to and date notified: Approved for implementation on:

1. That the Head of Culture, Leisure and Sport be requested to arrange for the play area



REPORT TO EXECUTIVE

PORTFOLIO AREA: HEALTH AND COMMUNITY ACTIVITIES

Date of Meeting: **6TH DECEMBER 2004**

Public

Key Decision:

Yes

Recorded in Forward Plan:

No

Inside/Outside Policy Framework

Title:

PETITION RECEIVED FROM RESIDENTS OF KINGFISHER

PARK ESTATE, WARWICK ROAD, CARLISLE - RE: PLAY AREA

Report of:

CULTURE, LEISURE AND SPORT SERVICES

Report reference:

CLS/021/04

Summary:

Residents of Walkmill Close, off Warwick Road, have submitted a petition requesting that the Children's Play Area in the estate be closed, due to anti-social behaviour emanating from it.

Recommendations:

It is recommended that:-

- The Play Area be retained. (i)
- (ii) The Play Area be closely monitored for the next few months.
- Encourage people of the area to use the facilities (iii) available to them at Botcherby Community centre and Greystone Community Centre.

Contact Officer:

Ext: 7364

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Petition Enclosed

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The petition requesting the removal of the play area contains 156 names from 102 different addresses on the estate. 12 residents have requested that the play area be retained. Residents for 61 properties did not sign the petition, due to them being away when it was conducted, the house being empty, or wishing to make no comment (2 householders).
- 1.2 A petition was submitted to the Planning and Landuse Sub-Committee on 3rd August 2001, prior to the play area being provided. This petition requested that the play area and cycleway not be provided. A petition supporting the provision of the facilities was also submitted. The sub-committee resolved to reaffirm its commitment to the completion of the Kingfisher park development in all its aspects, including the play area and related links.
- 1.3 A play area was provided as required by the Section 106 agreement no. 406, dated 4th April 1997. The Section 106 agreement relating to provision of play areas on developments of 40 units or more is linked to the Local Plan Policy LC2.
- 1.4 It is common throughout the City that a new play area attracts vandalism and antisocial behaviour due to it being new. Usually, when the novelty wears off, the antisocial behaviour subsides, and usually goes away completely. The problem was made worse on this occasion due to the length of time it took the developers to complete the play area. Whilst in unfinished condition, without regular maintenance and litter collection, antisocial activities were undertaken within the area. At the beginning of November the City Council took over responsibility for the play area, and since then litter collection has occurred 3 times a week and most of the faults have been rectified. Subsequently, the problems and vandalism to the equipment appears to have ceased.

2. CONSULTATION

2.1 Consultation regarding planning applications normally takes place with adjacent landowners, but on this occasion it is the inhabitants of the developed estate who are complaining. Anyone buying a house on the estate should have been aware of the presence of the play area as part of their solicitor's local search.

3. RECOMMENDATIONS

- 3.1 It is recommended that:-
 - (i) The Play Area be retained.
 - (ii) The Play Area be closely monitored for the next few months.

 Encourage people of the area to use the facilities available to them at Botcherby Community centre and Greystone Community Centre.

4. REASONS FOR RECOMMENDATIONS

- 4.1 The play area is provided for the children of the estate, and for future children of the estate, and its removal would result in them losing this valuable facility.
- 4.2 Nuisance surrounding a new play area usually subsides as the 'Novelty Value' wears off.
- 4.3 The provision of a play area is a requirement of the Planning Permission on any development of 40 or more units. This is a substantial site providing 185 dwellings so there is no case for departing from policy.

5. IMPLICATIONS

- Staffing/Resources Nil
- Financial Developers (Barratts) have spent approx £60,000 to provide Play Area.
- Legal Removal of the Play Area would be contrary to the provision of the Section 106 Agreement, and adopted planning policies.
- Corporate Nil
- Risk Management Play Area subject to Risk Assessment reports as are all other City Council Play Areas.
- Equality Issues Could be argued that removal of Play Area would deprive children of facilities which are in existence on other estates.
- Environmental Nil

 Crime and Disorder — The police have been regularly called to this site, but the Situation regarding vandalism has now improved, in line with the take-over of the Play Area by the City Council.

The City Council will monitor the site for the next few months.

5675

TO: Chris Wright - Leisure Department, Civic Centre

CC: Andy Weeks - Developement Officer, Neighbourhood Watch, Councillors - Michael Boaden, Terry Scarborough, Anne Glendinning.

FROM: The Residents of Kingfisher Park Estate, Carlisle

Please find enclosed a Petition by the Residents of the above estate, for the play area to be cleared and put back to grass. The reason being that it has become apparant that the childrens playarea at Kingfisher Park has become an assembly point for teenagers at night time.

This area is now associated with under age drinking, excessive noise, broken bottles, beer cans, condoms and vandals who wilfully damage property.

They also take dog feaces out of the bins and smear it down the slides. The swings are out of order and the slides are out of use due to the mess and broken glass all over the area it is a no go area for the children who's age group it was created for.

The Police have been called out to this area on numerous occassions and it has been noted that up to 40 teenagers can gather at this area at any one time.

Please note that some of the children have signed this petition and expressed a wish for an all weather football pitch to be created instead away from the houses.

We would also like to point out that before the footpath and playarea were constructed a petition was forwarded to Carlisle City Council appealling for this not to be built as everyone knew what would happen, unfortunately this was rejected.

Some of the residents would like the park to be kept on the condition that the night time problem with teenagers is sorted out by the relevant authorities.

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17	Finch Close	10	•	-	7	
22	Curlew Walk	7	2	-	13	
27	Heron Drive	12	2	_	空13	
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¹⁵⁶ names in total of which 12 are against the play area being removed

A PETION FOR THE PLAY AREA TO BE CLEARED AND REGRASSED.

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A PETION FOR THE PLAY AREA TO BE CLEARED AND REGRASSED.

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