

Item No. 14**SCHEDULE B**

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| APPLICATION NUMBER | CB/10/00580/SE73 |
| LOCATION | Land at Goldfinch Drive, Sandy |
| PROPOSAL | Section 73: Removal of condition 4 (provision of play areas) and condition 5 (future maintenance of play areas) from planning approval 99/00891/RM (Reserved Matters for the erection of 150 dwellings and all ancillary works) dated 21 October 2002 |
| PARISH | Sandy |
| WARD | Northhill and Blunham |
| WARD COUNCILLORS | Cllr Maudlin & Cllr Turner |
| CASE OFFICER | Dee Walker |
| DATE REGISTERED | 15 February 2010 |
| EXPIRY DATE | 17 May 2010 |
| APPLICANT | Twigden Homes Ltd |
| AGENT | Mr M Shirley |
| REASON FOR COMMITTEE TO DETERMINE | Director of Sustainable Communities decided to refer the application to Committee so that all sides of the issue could be put forward for Members to consider and debate with speaking rights for those concerned |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The application site is located on grass land opposite nos. 41 to 47 Goldfinch Drive in Sandy. The site is currently equipped with children's play apparatus within an enclosure. The site is bound on the east and partially on the north and south side by 2 and 2 ½ storey residential dwellings that face onto the play area. To the west side is additional amenity land with the A1 immediately adjacent to it.

Goldfinch Drive itself weaves around the application site sitting between the play area and neighbouring residential dwellings. The surrounding development is part of the Fallowfield estate with approximately 154 dwellings.

The Application:

The application seeks permission for the removal of the conditions 4 (Provision of Play Area) and 5 (Future Maintenance of Play Area) from planning permission MB/99/00891/RM for the erection of 150 dwellings and all ancillary works dated 21 October 2002. The objective of the application is to gain approval for the removal of the Goldfinch Drive play area.

Outline permission (MB/87/01821) was granted in 1993 for residential development followed by the approval of the Reserved Matters application (MB/99/00891) in 2002 indicating that a play area similar in size to that would be installed at the application site and conditions were attached to the permission for the provision and

maintenance of the play area. However, the condition for the provision of the play area required it be installed prior to occupation of the first dwelling but this was significantly delayed resulting in it being provided on site in May 2009 when all of the development was fully occupied.

Since that time the Council has received a number of complaints from neighbouring properties concerning the general use of the site and anti-social behaviour from the users of the play area. In response to these complaints, the Council undertook a survey to residents within Goldfinch Drive in an attempt to obtain wider views on the use of the play area and any disturbance it causes. Out of 24 questionnaires sent, 16 were returned. The survey indicated that the main problems on Goldfinch Drive were:

- Noise and disturbance late at night with bad language from adults and children that can be heard clearly resulting in windows and doors being kept closed at all times;
- Damage by balls and rocks being done to cars parked within Goldfinch Drive, cats being kicked, garden items being removed and litter left behind;
- Equipment being inappropriately used by children older than the area was intended for also seen children urinating in and around the area;
- Lack of privacy as people can see into garden/house;
- Teenagers smoking and drinking into early hours of morning, noise levels high so restless evenings/nights;
- When residents used play area they felt intimidated by youths and left because of the behaviour;
- Increased use of play area after school, light evenings, weekends and school holidays.

When asked what nearby residents would like done about the problem, 9 out of 16 commented that they would like the play area removed altogether. One resident felt it would be a great pity for the play area to change. Given the comments submitted from the survey, the Council decided to request Kier to apply for the removal of the play area and to allow the Development Management Committee to discuss the issues.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)
- PPG17 Planning for Open Space, Sport and Recreation (2002)

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedford shire Structure Plan 2011

N/A

Central Bedford shire Core Strategy and Development Management Policies 2009

Policy CS3 Central Bedford shire Adopted Core Strategy and Development Management Policies (2009)

Supplementary Planning Guidance

N/A

Planning History

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| MB/99/00891 | Reserved Matters: Pursuant to outline permission 41/87/182 – erection of 150 dwellings and all ancillary works – Approved 21.10.2002 |
| MB/02/01970 | Full: Provision for one additional plot (151) and realignment of ploy 107 – revision to reserved matters approval 41/99/891 dated 21.10.2002 for erection of 150 dwellings and ancillary works – Withdrawn 05.12.2002 |
| MB/02/01971 | Full: Repositioning of plots 61-66, 74-80, 108-111, 120-125, 133-158 inclusive. Re-alignment of road adjacent plots 141-148. Addition of Huntley house type – Not proceeded with |
| MB/03/00201 | Full: Repositioning of plots 63, 64, 66, 74-80, 137-140, retention of plots 141-146 and realignment of access road adjacent to plots 141-148 (Revised scheme to that previously approved under ref 41/99/891 dated 21.10.2002 for erection of 150 dwellings and ancillary works) – Approved 23.05.2003 |
| MB/03/01170 | Full: Erection of 32 dwellings on Plots 81-90 and 93-114 (inclusive) – revised scheme to that previously approved under ref 41/99/891 dated 21.10.2002 for erection of 150 dwellings and ancillary works – Refused 21.08.2003 |
| MB/03/01792 | Full: Erection of 32 dwellings on Plots 81-90 and 93-114 (inclusive) – revised scheme to that previously approved under ref 41/99/891 dated 21.10.2002 for erection of 150 dwellings and ancillary works – Approved 02.08.2004 |

Representations: (Parish & Neighbours)

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| Sandy Town Council | That a meeting be organised with all agencies involved and the Town Council |
| Adjacent Occupiers | Seven letters of support received on the following grounds: <ul style="list-style-type: none">• Sight of youths urinating in the area in full view and general inappropriate behaviour;• Footballs and other objects being kicked at cars and damaging properties;• Noise levels from children using the play area is overbearing. During summer months windows have to remain close due to its size and close proximity to the houses. The noise carries so you cannot enjoy your garden and can be heard pretty much wherever you are in the house; |

- Play area supposed to be for children aged 8 and under, but older children use it and intimidate the younger children both verbally and physically;
- Police regularly called late at night due to noise and conduct of children at play area;
- Effecting my children - cannot sleep, frightened by the levels of disturbance;
- High number of children congregate during summer kicking football around that damages cars, skating and cycling aimlessly on and off the road;
- Children using the play area do not even live within the estate, therefore not being used for the purpose for which it was intended. Large size equipment is attracting older children;
- Noise is intolerable during the summer months;
- Children intently trying to damage the play equipment;
- Lack of privacy - children questioning where I've been and what I've brought;
- No thought to residents, children will cycle/skate up driveways and across gardens, cars being regularly scratched/damaged;
- Litter regularly left in and around the play area as well as within front gardens. Dog fouling also a big problem;
- Residents regularly approach children using play area regarding disturbance and general conduct but this is met with abusive language;
- Police aware of problems but not always able to attend within a reasonably quick time;
- Problems resulted in stress-related health problems for residents;
- Unacceptable standard of play area and surrounding soft landscaped areas;
- Inappropriate location of play area adjacent to the road.

One letter of objection received on grounds that:

- Children on this part of the estate will have no play area at all;
- Anti social behaviour as a result of older children having anywhere to go;
- Removal of the play area will only make matters worse;
- If equipment is removed it should be re-instated elsewhere and provision should also be made for teenagers;
- Removal of play area is not conducive to the creation of sustainable communities.

Letter received in response to the above letter of objection:

- Equipment installed attracts the wrong age group - it was intended for smaller children;
- New play area has been approved at Fallowfield, other play area is within a 10min walk/5min cycle;

- People are too willing to use cars rather than walk, a 10min walk/5min cycle should be more beneficial;
- Application has not been brought about purely by anti-social behaviour, it is also general noise disturbance and lack of privacy. Issues that can only be resolved by its removal;
- Ideally, the land will be used as communal garden area to encourage residents to generally look after the area. It is believed this is an essence of sustainable communities.

Consultations/Publicity responses

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| Play & Open Space Officer | No objections to removal but questions who will maintain the open space after the play areas gone |
| Tree and Landscape Officer | No objections |
| Highways Team | No comments to make |
| Community Paths Officer | No comments received to date |
| I.D.B | No comments received to date |
| Environment Agency | No comments to make |
| Anglian Water | No comments received to date |
| Site Notice Posted | 01.03.2010 |
| Newspaper Advert | 05.03.2010 |

Determining Issues

The main considerations of the application are;

1. Requirement of Play Area
2. Neighbour Representations
3. Consequences of Removal of Play Area

Considerations

1. Requirement of Play Area

Policy CS3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009) sets out the requirements for the provision of play facilities in new developments. The Reserved Matter application originally granted LEAP (Local Equipped Area for Play) play area in Goldfinch Drive and LAP (Local Area for Play) play area in Owlswood. It is advised that both have met that standard following installation. The small play area in Owlswood is located a short distance away from Goldfinch Drive, and is not the subject of this application.

2. Neighbour Representations

Following consultation with all 150 residential dwellings or so located within the development north of Sunderland Road, the Council received 8 responses. Those comments which have been received have mainly been from residents in close proximity to the play area. The main issues raised by residents are addressed below:

User of Play Area

It appears from the representations received that the main users of the play area tend to be of an older age group than the intentional age of 8 years and under. It is noted that the residents believe that the children using the play area do not live within the estate, and it is not being used for the purpose for which it was intended. Furthermore, it is felt by the residents that the size of the equipment installed attracts older children. Younger children tend not to use the play area as they feel intimidated by the older children both verbally and physically. It has been noted by a number of residents that the children using the play area can be seen on occasions to be intentionally trying to damage the play equipment. When residents approach users regarding their conduct they are met with abusive language.

Noise and Disturbance

It is stated in the representations received that the noise levels from the children using the play area is overbearing and during summer months windows have to remain closed due to its size and close proximity to the houses. The noise carries so they cannot enjoy their garden and can be heard pretty much wherever they are in the house. As the noise and disturbance has been reported to be continuing late at night, the police have been called regularly to attend. It is stated that this is having an adverse effect on the living conditions of neighbouring residential properties by reason of restless nights, occupiers frightened/intimidated by levels of noise and disturbance. As it gets dark and the older children remain at the play area, the issue seems to worsen.

The general conduct of the children using the play area is also mentioned on a number of occasions including inappropriate behaviour, damaging cars and properties of residents and littering of area.

A log of incidents has been received from one of the residents covering a period from 7 June to 13 September 2009. It details the issues raised within this report on a more detailed scale.

Impact on Residents

Residents report damage to vehicles and property by the children using the play area. Whether this be by the kicking of a football or cycling/skating over someone's front garden. The residents state that in summer months the noise is intolerable to the extent that windows are closed to reduce the noise and exposure to foul language. Because of the play area's close proximity to the residential dwellings and the area's configuration into a u-shape, the noise is likely to be heard to the rear of the properties and indoors just as clearly. One resident commented that on returning home the children question them as to where they have been and what they have brought and they feel this is very intrusive.

The police are called when the activity gets too bad but they are not always readily available and when the residents approach the children their response is abusive. For one property, the problems have resulted in stress-related health problems being diagnosed recently.

It appears from the log and representations received that the problems are at their worst after school, light evenings, weekends and school holidays.

One letter of objection has been received on grounds that the result of removing the play area would not resolve the problem. They emphasize the fact that if the play area is removed it will result in no facilities within 1.0km and this is not conducive to the creation of sustainable communities.

A response to the objection was received from one of the residents that lives adjacent to the play area. They highlighted the fact that the play area's in Goldfinch Drive was intended for small children and that the equipment is of a type that attracts the wrong age group; the recently approved play area in Fallowfield will be close and the existing facility at Sunderland Road is 10min walking or 5min cycling; and that the area is hoped to be re-developed to a garden, which the local children will be encouraged to become involved in planting, watering and maintaining.

3. Consequences of Removal of Play Area

Should the play area be removed, it is likely to be converted to a grassed area for use as amenity space. In respect of alternative facilities, the Development Management Committee in September 2009 granted permission for the provision of play areas and other play facilities on land off Merlin Drive in Sandy (MB/08/01968/FULL). Although work is yet to commence on this large area of open space, the applicant is being pressed to provide time scales as to when it will be provided. It is hoped that an update will be provided for the Committee in the late sheet.

It is noted that the play area has had some negative impact on adjoining residents that requires the assistance of the police. It is regrettable that this has been the outcome of the provision of this facility for children, but a balance needs to be struck between the impact of the play area and the standard of amenities reasonably expected by nearby residents. In this particular case, weight has been given to the comments of the Council's Play and Open Space Officer who has raised no objections to the removal of the play area. There will be alternative facilities within walking distance in the near future, although it is accepted that this requires crossing Sunderland Road to access the Merlin Drive open space area. There has been very limited support for the retention of the play area and this is from a resident who does not live adjacent to the play area. All comments received from residents who reside in Goldfinch Drive are in support of the application being approved. Given the above considerations, the application is recommended for approval.

Reasons for Granting

In conclusion, the removal of the condition for the provision of the play area and maintenance would not have an adverse impact on the residential amenity of neighbouring properties. The alternative facilities that will be provided are within walking distance. As such the proposal is in conformity with Policy DM3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 Within six months of the date of this permission, full details of the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out as approved in the next planting season following the approval of the landscaping scheme.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 2 **Within six months from the date of this approval, a scheme for landscape maintenance which shall cover a period of at least 5 years from the date of its implementation shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.**

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 3 **Within six months from the date of this approval, details of the arrangements to be made for the future maintenance of the Owlswood play area including details of any commuted sums to be paid to any authority or organisation taking over responsibility for its maintenance shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented in accordance therewith.**

Reason: To secure the ongoing provision of adequate play and children’s recreation facilities.

DECISION

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