

CITY OF
WOLVERHAMPTON
C O U N C I L

Petitions Committee

6 November 2015

Report title	Petition seeking the removal of the children's play equipment at Duke's Park	
Cabinet member with lead responsibility	Councillor Bilson City Assets	
Wards affected	Bilston East	
Accountable director	Nick Edwards, City Assets	
Originating service	Planning	
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Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

1. The Committee is recommended to agree to employees asking the owners of the play area, Barratt Homes, to remove the large play equipment and replace it with equipment suitable for pre-school aged children, to encourage family use and make it less appealing for young people to gather. This would retain the children's play area for local use within the community.

1.0 Purpose

1.1 A petition was received on 30 January 2015 requesting the removal of the children's play area at Duke's Park estate located in the Bilston East ward. The purpose of this report is to inform Petitions Committee of the relevant facts, to consider three options and to make a recommendation.

2.0 Background

2.1 The Petition

2.1.1 The petition contained 85 signatures from residents of the Duke's Park estate and the surrounding area seeking the removal of the children's play equipment within the centre of the estate. The request was because of anti-social behaviour by young people.

2.1.2 The petitioners claim that Barratt Homes' sales representatives said that the play area would consist of toddler play equipment and that plans showing the content and layout of the park were not readily accessible or known to residents.

2.2 The Anti-Social Behaviour

2.2.1 Between January 2014 to the end February 2015:

- A total of 58 Police logs were received covering the period
- Offenders were reported as being groups of young people
- Behaviour included shouting, use of abusive and racist language, vandalism, arson (including a burnt out vehicle), racing of motor vehicles, graffiti, fighting and intimidation
- The nuisance sometimes continued late into the night/early morning.

2.2.2 The issues were raised at Partners and Communities Together meetings in November 2014 and 9 March 2015, and were brought to the attention of ward councillors. The multi-agency response included:

- An increased police patrol strategy including use of the anti-social behaviour van and an increased police presence in the vicinity
- Removal by Barratt Homes of the large swing
- Deployment of a Domehawk camera to provide a deterrent to anti-social behaviour and to aid the identification
- Consideration of a Section 35 dispersal order
- Young people in the local area signposted to the weekly Kicks session held in Bilston on a Wednesday evening
- Contact made with Sandwell Metropolitan Borough Council to agree a joint response
- Trenches dug by Barratt Homes in an attempt to prevent vehicles driving over the grassed areas.

2.3 Petitions Committee – 24 April 2015

- 2.3.1 Petitions Committee discussed the petition on 24 April 2015. Despite partner efforts to resolve the issues, the lead petitioner maintained that the anti-social behaviour was continuing and the petitioners were seeking complete removal of the play equipment, not modification of the play equipment.
- 2.3.2 Ward Councillors voiced objections to removal of the play equipment given the levels of need and deprivation in the ward and requested an increase in the multi-agency effort to resolve the anti-social behaviour before any decision is made to remove the play equipment.
- 2.3.3 Petitions Committee also requested further research, data and information which is set out in the following paragraphs.
- 2.3.4 Young families have been seen using the park on three occasions by the Neighbourhood Safety Coordinator which has also been captured on the Domehawk camera.
- 2.3.5 All households on the new estate and local ward councillors were asked to state their preference for retaining the existing play equipment, modifying the existing facility to a toddler play area or complete removal of the play area. Letters were hand delivered to all 262 households on the Dukes Park estate on 8 May 2015. Responses are summarised below:
- Option 1: Retain the play area as it is now – 15 residents indicated their preference for this option
 - Option 2: Remove the large play equipment and replace it with equipment designed for pre-school age children – 11 residents indicated their preference for this option
 - Option 3: Remove all the play equipment (and the fence and the hard standing) and grass the site over – 46 residents indicated their preference for this option.
- 2.3.6 Petitions Committee asked for Public Health to be consulted. Public Health has confirmed that it would not be in support of removal of the play area due to the health issues associated with Bilston East. For reception year and year six, obesity rates for school years 2009/10 to 2013/14 in Bilston East are 14.8% and 29.8% respectively. These rates are significantly higher than the national and local averages, and in the case of year six this is the worst ward in Wolverhampton. Obesity is a key priority for Public Health with one of the objectives being to create a less obesogenic environment. Provision of play areas are a key resource that can help to off-set the obesogenic environment.
- 2.3.7 Petitions Committee recommended that any additional action that can be taken to identify perpetrators of anti-social behaviour be carried out. A number of multi-agency meetings have been held to consider all available options of prevention and enforcement and an action plan agreed to supplement the work done to date. A summary is provided below:

- Regular uniformed patrols have taken place by neighbourhood officers including mobile/cycle and foot
- At a Partners and Communities Together meeting, police reports were received of approximately 100 youths congregating in the area from neighbouring Tipton
- Meetings have been held with partners and representatives of local residents and issues discussed
- Police have met with the bordering neighbourhood policing team at Princes End to make them aware of issues and support was offered
- Local schools (RSA Academy and South Wolverhampton & Bilston Academy) have been approached and talks given to students
- Domehawk CCTV camera remains in situ
- Regular contact made with residents by way of reassurance visits, follow up calls to complainants and monitoring Facebook pages
- There have been six young people identified causing anti-social behaviour in the area - all were issued warning letters by the anti-social behaviour unit (none of them had had previous involvement with Police)
- Police have met with a youth worker and carried out joint patrols, liaised with local young people with a view to diverting them to activities on offer over the summer break including Provision for Outreach youth provision (11 years plus) based in Bradley - this project ran for four weeks during the summer holidays, on Wednesdays and Thursdays between 3 pm and 5 pm, based outside the old Rocket Pool youth centre
- There have been ten incidents logs recorded since 27 April and two recorded crimes of criminal damage
- Trading Standards have indicated that they have not any complaints from residents about under-age sales of alcohol or received any credible intelligence to justify undertaking test purchasing in the locality.

2.4 Petitions Committee – 11 September 2015

- 2.4.1 Petitions Committee discussed the petition again on 11 September 2015 and the minutes of that meeting are included in the papers. Petition Committee sought reassurance that the play area benefited from planning consent and requested further detail which is set out in the following paragraphs.

2.5 The Planning Approval

- 2.5.1 131 new houses and the children's play area were granted by the local planning authority on 17 Dec 2010. The planning permission was subject to a S106 legal agreement which requires the provision of the public open space and the children's play area. The play area was required to make the planning application acceptable in accordance with Unitary Development Plan, Policy H8 "Open Space, Sport and Recreation Requirements for New Housing Developments". The Council's planning guidance is that on new housing estates play areas should be more than 20 metres away from the houses. The installed play area clearly complies with this policy (the nearest houses are approximately 30 metres away).

- 2.5.2 Pursuant to the requirements of the S106 legal agreement, lengthy discussions and site visits were held by Barratt Homes with employees of the Council who subsequently approved the proposed details of the public open space and the proposed play equipment. In July 2012, a letter drop by Barratt Homes was completed to the residents of the occupiers of Duke's Park and the local ward members to advise of the installation of the children's play equipment and the public open space. The public open space and the play equipment was provided by Barratt Homes in accordance with the S106 agreement and site inspections and discussions continued with employees of the Council. In July 2013 a Planning Officer confirmed to Barratt Homes that the public open space and play area had been installed as required by the S106 agreement.
- 2.5.3 In February 2014, Barratt Homes stated that they came under pressure from local residents to open the play area, as residents were eager to use the facilities. Following a safety inspection the public open space including the play equipment was opened to the public in the same month.
- 2.5.4 The public open space, including the play area, was laid out and installed by Barratt Homes as part of their housing development and remains in Barratt Homes' ownership. The housing estate, the public open space and the play area have been properly approved in accordance with planning law and policy. The public open space fits in well with the layout of the houses, and the raising of the play area as a central feature is an attractive landscape feature that enhances the visual amenity and appearance of the area. This adheres to an important principle of urban design that housing estate play areas should be in full view and overlooked by surrounding houses to facilitate informal surveillance. This means that families with young children are likely to feel safer when using the play equipment during the day.
- 2.5.5 As part of the S106 legal agreement, an arrangement is in place that the Council will eventually adopt the public areas of the new estate (involving the highway, lighting and public open spaces). This is expected to take place in 2016. After that, the Council will own the play area and undertake the maintenance of the site. The Council has received a financial sum to contribute towards play area inspections, maintenance and repairs covering the ten year period following adoption. This payment is referred to as a 'commuted sum'. Beyond this period, the Council will be expected to absorb any on-going maintenance and repair costs to the play area.

2.6 Update

- 2.6.1 The Lead Petitioner has indicated that although the frequency of incidents has reduced, anti-social behaviour is continuing, with young people congregating on the site until early hours in the morning, and maintains that the play area should be removed.
- 2.6.2 Barratt Homes have stated their willingness to assist where possible with resolving the issues. However, one of their main concerns would be the possible repercussions from other home owners who have purchased properties on the site, believing their homes would benefit from the proximity of the play area. Therefore, they want to ensure they act

on behalf of all of the residents across the development and not just those that have petitioned for the removal of this equipment.

- 2.6.3 Offensive graffiti has been promptly removed by the Council. The Council has maintained a watching brief on the play area, with monthly visits carried out. All litter cleaning and repairs have been reported promptly to Barratt Homes for action. The Council have also assisted Barratt Homes in carrying out repairs to the play surface following vandalism through one of its specialist contractors, the cost of which has been met by Barratt Homes. The location has been litter picked by Council staff on a number of occasions following concerns from local residents about glass and litter.
- 2.6.4 The multi-agency response to address anti-social behaviour has been prompt. The Council's Community Safety team have used their best endeavours to respond to the issues raised. The response has been comprehensive and wide ranging and has included proportionate enforcement action taken against young people identified as having been involved in anti-social behaviour and liaison with schools and services in Sandwell. The level of partnership resources going into responding to the anti-social behaviour has been considerable and is not sustainable beyond the short term.

3.0 Discussion

- 3.1 There are three possible options to consider in response to the petition.

Option One

- 3.2 Barratt Homes to be asked to apply to the Council for permission to remove the children's park area and undertake remedial works to grass the area. The children's play area was necessary for the estate to be granted planning consent. To remove the play area, Barratt Homes would need to apply to vary the S106 agreement which required the installation of the play area in accordance with the Council's planning policies.
- 3.3 Following the consultation on the 8 May, 46 residents responded saying they want the play area to be removed. This is the only option that would satisfy the petitioners. Given the levels of recorded anti-social behaviour, the views of these residents and the petitioners should be taken into account. However, there are other considerations that should also be taken into account.
- 3.4 Following the consultation on the 8 May, 15 residents responding saying they want the play area to remain as it is and 11 residents responded stating they want the pre-school age equipment retained. This is a not insignificant number of people who already value the play equipment and were prepared to confirm this in writing. It is likely that these people have children or know children who have used the play area or are likely to use the play area in the future.
- 3.5 The completed estate will house approximately 1,000 residents so it is highly likely that a sizeable number of people living on the estate, particularly those with small children, will value the existence of the play area in the future. The benefits to these children in being

able to play on and enjoy equipment close to their own homes and the ability of children to use the play equipment in the future is a very significant consideration.

- 3.6 Also, the removal of the play area would be contrary to the Council's strategic aim to reduce obesity particularly given the long standing issues with child obesity in the area.
- 3.7 Barratt Homes as owners of the play equipment would have to apply to remove the play equipment. Barratt Homes have indicated that they would be concerned about doing this as they want to ensure they act on behalf of all of the residents across the development and not just those that have petitioned for the removal of this equipment. Even if Barratt Homes do make such an application the proposal would be contrary to the Council's adopted planning policies and guidance set out above.
- 3.8 The Council adopted the Wolverhampton Open Space Strategy and Action Plan and the Open Space, Sport and Recreation Supplementary Planning Document in 2014. These documents establish the quantity, quality and access standards to be applied for provision of children's play areas in Wolverhampton and compare this to actual provision across the City, to identify gaps and priorities for future improvement.
- 3.9 The access standard for children's play areas is a 10 minute walk, or approximately 800m walking distance. There are no formal children's play areas within 800m walking distance of the Duke's Park estate.
- 3.10 The Duke's Park estate as a whole would be expected to generate around 1,000 new residents, creating a need for a children's play area. If the Duke's Park play area is removed, a large residential area in the south east of the City will lose access to play facilities for children, creating a large gap in children's play area provision, contrary to the vision and key aims of the Open Space Strategy and Action Plan.
- 3.11 On balance, taking all the relevant matters into consideration, the total removal of the play area is an option that should be considered as a last resort.
- 3.12 It is also worth noting that the removal of the play area would not necessarily reduce the anti-social behaviour.

Option Two

- 3.13 The play equipment is retained in its current state. This would retain the play area for local use within the community.
- 3.14 Retaining a range of play equipment would have the greatest benefits to children of different ages in terms of providing them with opportunities for play.
- 3.15 Retaining all the play equipment may mean that it continues to be an appealing place for young people to gather. It should be recognised that the majority of young people are not intent on anti-social behaviour and they should not be branded as such. However, it is recognised that the larger play equipment in particular does encourage young people to

gather and there is an associated risk of anti-social behaviour. As such this option is not a recommended option.

Option Three

- 3.16 Barratt Homes to be asked to remove large play equipment, which is replaced with equipment suitable for pre-school aged children, to encourage family use and make it less appealing for young people to gather. This would retain the play area for local use within the community. The benefits of retaining the play area have been fully set out in paragraphs 3.4 to 3.10.
- 3.17 Young people are more likely to linger on the larger play equipment. Removal of the larger play equipment may well deter young people from gathering.
- 3.18 The removal of the larger play equipment would not necessarily reduce the anti-social behaviour.
- 3.19 Barratt Homes have indicated that they would be willing to progress this option working on the detail in dialogue with the Council.

4.0 Recommendation

- 4.1 Taking into account all the issues raised by the petitioners and the considerations relevant to the case, option three is recommended as a reasonable compromise. Subject to the views of Petitions Committee, officers are minded to ask Barratt Homes to remove the larger play equipment. Barratt Homes have said they would be willing to do this and the details could be agreed by officers in accordance with the existing delegation scheme.

5.0 Financial Implications

- 5.1 A financial payment of £71,494 was received by the Council from Barratt Homes as part of the S106 planning requirement. This funding has been set aside to be drawn down following the Council's adoption of the location to cover a ten year period of costs associated with repairing and maintaining the large play area. Following this period, on-going repair and maintenance costs would be absorbed by the Council.
- 5.2 If the play area is totally removed consideration would have to be given to repaying the £71,494 funding for repairing and maintaining the children's play equipment back to Barratt Homes.
- 5.3 To remove the all play equipment and grass over the area there is a cost implication estimated to be in the region of £30,000. Should the Council at a later date choose to remove the children's play after it has adopted the public open space the Council would be responsible for the costs.

5.3 If the recommended option three is agreed, there will be a cost implication attached to the removal of the current large play equipment and the replacement cost of the new pre-school play equipment. It is estimated to be in the region of £16,000. [TT/27102015/E]

6.0 Legal Implications

6.1 There are no immediate legal implications arising from this report. [RB/26102015/S]

7.0 Equalities Implications

7.1 Removal of the play equipment would have negative implications for children living in the area. The policy that enabled provision of play equipment is in Wolverhampton's Development Plan which was subject to a full equality analysis.

8.0 Environmental implications

8.1 Duke's Park is a well laid out housing estate with houses overlooking an attractive central public open space. The mound is an acceptable landscape feature and the distance from the play equipment to the nearest bedroom windows is well in excess of the Council's planning guidelines. The Council's lead on issues of noise disturbance has advised that the difference in noise levels as experienced by the neighbours would be insignificant if the mound was removed. The play area was implemented in accordance with the Council's development plan policies and accords with the Council's planning guidance. It is considered that if the play area is retained as recommended, on balance, it will be a long term benefit to the local environment and the local residents.

9.0 Human resources implications

9.1 There are no human resource implications relating to this report.

10.0 Corporate landlord implications

10.1 There are no immediate corporate landlord implications arising from this report.

11.0 Schedule of background papers

11.1 The previous reports to Petitions Committee regarding this petition.