

<b>Subject:</b>	<b>Rowland Drive Ball Court, Greenhill, Herne Bay</b>
<b>Director/Head of Service:</b>	Head of Environment and Street Scene
<b>Decision Issues:</b>	These matters are within the authority of the Executive
<b>Decision type:</b>	Non-key
<b>Classification:</b>	This report is open to the public.
<b>CCC Ward(s):</b>	Greenhill and Eddington
<b>Summary:</b>	<i>The Council has been working closely with the County Council to consider the possible relocation of the Play Area/Ball court. Despite much chasing, progress has not been forthcoming and the Council has received further complaints in relation to anti social behaviour. Neighbouring residents have requested that the court is relocated. Options are being considered to decommission and reinstate the ground or install noise reduction measures.</i>
<b>To Resolve:</b>	<b>That noise reduction measures as identified be installed as the preferred option.</b>
<b>Next stage in process</b>	To proceed with the noise reductions measures and monitor any anti-social reports.

## **SUPPORTING INFORMATION**

### **1. Introduction**

A report was submitted to the Executive on 18 September 2008, and subsequently on the 8 January 2009 concerning the above ball court and associated noise problems experienced by residents. These reports considered measures to try to alleviate any possible noise or disruption to the local residents including the possible closure of the ball court until a replacement site could be found. An alternative site had been identified at Briary Primary School nearby in Greenhill and negotiations have continued with Kent County Council (KCC) to reach agreement for a land release to deliver the possible relocation project. This report up-dates members as to the progress and options.

The minute from the meeting 8 January 2009 resolved:

- (a) *That the Council continues with the present facility and monitoring and pursues with due vigour the possible alternative provision at the Briary School.*
- (b) *That this option be reviewed in summer 2009 if progress on the possible alternative provision has not been made.*

Progress on securing a possible alternative site has not been possible so a range of options is open for further discussion.

## 2. **Detail**

On-going dialogue with the Kent County Council (KCC) and Briary School directly has not been forthcoming concerning relocating the ball court to the school's detached playing field. Officers wrote to Briary School on the 10 June 2009 with a response date of the 17 July 2009 to clarify their views on the possible relocation of the ball court to their site. On 21 July 2009 the Briary School confirmed they do not wish the ball court to be relocated to their detached playing field due to supervision issues.

As detailed in the previous reports the noise issue for some residents continues to be a problem. A subsequent complaint has been received from the Ombudsman and a response has been submitted. Further clarification has been requested from the Ombudsman and a commitment given that the matter would be reconsidered at this meeting of the Executive before a fuller response can be submitted to the Ombudsman.

The Police Community Support Officer (PCSO) patrols the area regularly, including evenings and is building a rapport with the local residents and young people. The Children and Youth team have a street team in the area. This is seasonal to coincide with summer and when the ball court is used most. The chair of the local Residents Association runs a youth club and a Friday club for youngsters. There are structured activities for young people so they may be able to provide more information on the issues in the area, or make suggestions on how to improve on what is already there.

The PACT process is beneficial as anti-social behaviour is one of the priorities being dealt with. The Public Safety Unit is developing an open spaces protocol, as similar issues are occurring district wide. This will help to tackle the issue. General feeling from PCSO's and PC's is that the ball court is popular and well used as was intended.

A site visit on the 30 June 2009 was carried out with the manufacturer's representative to investigate noise reduction measures. The manufacturer's recommendation is to dismantle each fence panel and install neoprene spacers to act as a noise and shock absorber. The estimated cost would be £6,750 and has not been attempted on older facilities.

Other options considered were installing rubber mesh to the fencing, but this was rejected on the grounds of looks and the practicality of fixing. Sand infilling of support posts was rejected on the grounds of potential long-term corrosion.

## 3. **Relevant Council Policy/Strategies/Budgetary Documents**

Corporate Plan – 13 Support the provision and delivery of activities for children and young people in priority communities.

28 Increase participation levels in sport and physical activity to improve health and reduce obesity levels.

Community Strategy – 1.3 Provide better services for young people.

Open Space Strategy – identifies this area as amenity open space, although the Local Plan does not designate the space/ relevant extracts appended.

Play Strategy - relevant extracts appended.

Open Spaces Strategy – relevant extract appended.

#### **4. Consultation planned or undertaken**

The report submitted dated 18 September 2008 showed that the local community has no single clear view as to whether the ball court remain or be relocated. It was also reported that some members of the public had complained to the local government ombudsman concerning lack of communication and keeping the local community informed. This complaint was up-held.

Because of the need to bring this report to meet the requirement of the Ombudsman it has not been possible to consult the Area Members Panel. Instead, the Ward Members have been approached for their views on the ball court. Councillor Margaret Flaherty reports the main complaints she has received are from residents in the adjacent road, The Grove. This has been as a result of work done by Serco when the protective planting was over pruned several months ago. The residents are fearful that they have lost the protection of the mature planting which had been there and as a result are now more exposed to noise nuisance and ball retrieval. The planting, however, is regenerating and will be strengthened by additional planting this autumn.

#### **5. Options available with reasons for suitability**

Given the objections to the current ball-court and lack of progress with relocation to Briary School with KCC, it is necessary to consider the following options:

##### **Option 1 – That the Council installs noise reduction measures.**

The manufacturer's recommendation is to dismantle each fence panel and install neoprene spacers to act as a noise and shock absorber. The cost would be £6,750.

##### **Alternatively:**

##### **Option 2 – That the Council closes the whole site including the Play Area/Ball Court immediately and redevelops the site for residential development. A new Play Area/Ball Court is provided when land becomes available, subject to planning permission.**

This proposal will deprive many children of play facilities without knowing how long an alternative provision will be before replacement. The removal of the ball court without a replacement may increase the risk of anti-social behaviour. Secondly, infilling with housing may not be preferred. Consultation may be required with the wider community as to the future of the ball-court, the risk being that the wider community may be in favour of the court remaining, or an alternative site provided in the neighbourhood.

It should be noted that the assessment criteria shows that Greenhill ward is deficient in publicly accessible open space. Removal of the ball court will exacerbate the lack of open space.

Estimated cost – £15,000 (including grounds reinstatements), plus the provision of a new Play Area/Ball Court from receipt of sale of existing land.

## **6. Reasons for supporting option recommended, with risk assessment**

### **Option 1 – Install noise reduction measures.**

Risk: This may be effective at reducing the noise of balls hitting the structure, but the manufacture will not guarantee this action will be effective, as they have not attempted this on any of their existing structures, although they point out that this is now common practice with new ball courts.

If the area remains as green space, then children and young people will still use the space as a meeting point with associated noise.

## **7. Implications**

(a) Financial Implications – For option 1, noise reduction measures, a quotation has been received from Wicksteed, and the cost is £6,810 plus VAT. They can complete the work within 6-8 weeks of receiving an order. To reduce the risk, as this is an untried option, they offer a trial installation on a small section to evaluate effectiveness, at a cost of £720.00.

Estimated cost for Option 2 decommissioning the ball court is £15,000. To note: a total replacement would cost between £80,000 and £100,000

Funding can be allocated from the Horticultural Initiatives budget.

(b) Legal Implications – given continuing complaints, legal action may result from continued noise problem.

### **Other implications**

(c) Staffing/resource – none at present

(d) Property Portfolio - Property Services Division and Outdoor Leisure are negotiating with the County Council.

(e) Environmental/Sustainability –. None at present

(f) Planning/Building Regulations - None at present but Planning Approval for a new facility will be required. Planning permission would also be required should the City Council decommission the ball court and change use or dispose of the site. Advertising for disposal of Open space would also be required.

(g) Human Rights issues - a balance has to be made concerning the rights of adjacent residents with the benefits that play facilities bring.

- (h) Crime and Disorder - regular patrols are being made by the Police to minimise any disorder. At the PACT meeting only one incident had been reported. Greenhill has been without a PCSO since April 2008.
- (i) Biodiversity – no issues at present
- (j) Safeguarding Children - play facilities that are 'overlooked' by properties are always preferable to minimise any problems.
- (k) Energy efficiency – not applicable.

## **8. Conclusions**

A balance needs to be struck between the needs for children and young people to meet, socialise and play; and any noise nuisance for local residents. Facilities for children and young people are needed in that neighbourhood, but the council is still receiving noise complaints from residents adjacent to the ball court. In the short term, noise reduction measures should be installed, and the situation monitored.

To strike this balance the court could be relocated, in the long-term to an area that would not cause disruption to residents, and provide an opportunity for safer play.

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## **Play Strategy 2009-2014 extracts:**

### **National context**

'Every child has the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts'

#### **Article 31 United Nations Convention on the Rights of the Child**

The UK government has a responsibility to respond to the UN Convention of the rights of the child, in the context of play this applies not only to article 31 (above), but the following articles which also impact on play provision:

Article 12 – the right to be consulted on issues that affect them

Article 13 – the right to express their views

Article 15 – the right to meet with others

Article 19 – the right to be protected from harm and abuse

Article 3.1 – the right to services developed in their 'best interests'

Article 3.3 – the right to provision of an agreed standard

**UK response:** The consultation paper 'Every Child Matters' and the subsequent Children Bill published in March 2004, details the principles behind changes to services to children.

The Department for Children, Schools and Families published 'The Play Strategy' in 2008. It's a twelve year national plan which sets out its vision for play:

- In every residential area there are a variety of supervised and unsupervised places to play, free of charge
- Children and young people have a clear stake in public space and their play is accepted by their neighbours
- Children and young people play in a way that respects other people and property

### **Diversionsary activity**

The PSU has helped to provide diversionsary activities for young people. Improved facilities and activities for young people can help reduce the number 'hanging around', contribute to a reduction in the fear of crime and should decrease reported incidents of crime or anti-social behaviour - improving residents' perception of feeling safe in their community.

**Phase four** - ongoing work with local residents through tenant / resident associations, neighbourhood watch schemes or community wardens to promote reporting of incidents on the site to assist swift repairs or cleaning as required.

### **Community Safety**

The decrease in feelings of safety associated with young people 'hanging around' will be tackled through supporting the development of diversionsary activities and through promoting positive messages about young people. Inter-generational projects will be

developed and publicised by the Children and Youth Team and Public Safety Unit, to tackle misconceptions and promote better understanding between young people and older people.

The Public Safety Unit will continue to recommend and in some instances direct the areas of work for the Council's detached youth workers (the Street Team), to ensure that diversionary activity facilitated by the team are in areas where anti-social behaviour is an identified problem.

### **Parks and Open Spaces Strategy (Draft)**

From the Parks and Open Spaces Strategy (Draft) the area was assessed as being low quality, but high in value.

Open Space strategy ward assessment extracts:

Distribution of open space provision: 1. Settlement not conceived with integral open space. 2. Herne Bay High School provides 'island' of sizable open space suitable for ball games but is not available for public use. 3. Several inadequately sized small play areas have been created in Greenhill

**Weaknesses:** High density housing with insufficient open space provision

**Threats:** Further high density housing development with inadequate open space provision

**Action potential:** Implementation of Local Plan policy