

**Our ref:** Q40227  
**Your ref:** PP-10394985  
**Email:** gregory.markes@quod.com  
**Date:** 14 December 2021



Planning Development Control  
Camden Council  
5 Pancras Square  
London  
N1C 4AG

For the attention of Kate Henry  
By Planning Portal

Dear Kate

## **TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

### **Full application for play and fitness equipment on land within the Maitland Park estate, NW5**

We are instructed by our client, London Borough of Camden ('the Applicant'), to submit an application for full planning permission to deliver play and fitness equipment within the Maitland Park estate, NW5 ('the Site'). Specifically, planning permission is sought for the following:

*Installation of play equipment to form a linear fitness, activity and play trail.*

The Application comprises the documents and plans set out in **Appendix 1** of this letter.

The Application has been submitted and the requisite fee of £936.00 paid via the Planning Portal (ref: PP-10394985). The Applicant is the sole owner of the land to which the Application relates, and the requisite ownership certificate has been signed to confirm this.

## **1 Planning history**

Part of the Site overlaps with an extant planning permission for the partial redevelopment of the Maitland Park estate to provide 119 new dwellings and a community hall across 4 buildings ('the Maitland Park permission'). Planning permission was originally granted in 2015 under application reference 2014/5840/P and was subsequently amended via minor material applications under references 2015/6696/P (dated 14 April 2016) and 2019/4998/P (dated 25 September 2020). An extract of the Site Location Plan demonstrating the Maitland Park permission's redline boundary is provided below at **Figure 1**.



Indicative location of MUGA as permitted by the Maitland Park permission.

**Figure 1 - Maitland Park permission redline boundary with indicative location of MUGA**

The Maitland Park permission sought to deliver play space via a multi-use games area ('MUGA') in the area indicatively shown in **Figure 1**. The Applicant has engaged extensively with the estate's residents over several years during which time it has become clear that the residents would prefer an alternative play strategy, as the MUGA was deemed likely to attract anti-social behaviour and lead to noise complaints from residents closest to it. Alternative options for delivering a play strategy within the estate were explored in consultation with local residents. This Application is the result of this consultation and will deliver the activity trail instead of the MUGA. More details on the community involvement is provided in Section 3 of this letter.

The Application boundary partially overlaps with the Maitland Park permission boundary. An application to vary the Maitland Park permission under section 73 of the Town and Country Planning Act 1990 (as amended) has been prepared and submitted in parallel with this Application to ensure consistency between the (partially) overlapping permissions.



## 2 Proposed development

The proposals are for the installation of fitness, activity and play equipment in a linear 'trail' through the central landscaped area of the estate. Please refer to the Illustrative Landscape General Arrangement plan (ref: TM122L22) for a visualisation of the proposals. It demonstrates the intention to deliver a strategy that will integrate play into the estate and provide opportunities for enjoyment as people pass through the estate, rather than focussing play into one concentrated area (as was previously proposed).

An assessment was undertaken of several locations within Maitland Park to consider potential locations of the fitness trail. Suitability considerations included:

- proximity to existing residential properties;
- opportunities for natural surveillance;
- the extent to which any interventions could be considered 'natural' within the space;
- site levels;
- the presence of existing play interventions;
- structural suitability;
- the potential loss of green space; and
- impacts on existing mature trees.

The locations chosen for the siting of the proposed equipment take the above into consideration and offer the lowest impact on existing mature trees, whilst also providing a new play intervention in parts of the open space that was previously under-utilised.

For further information on the proposals, please refer to the **Design and Access Statement**.

## 3 Statement of community involvement

Camden have carried out extensive consultation with the local community over a number of years. As stated above, following the grant of the Maitland Park permission (ref: 2014/4998/P) in 2015, it was clear that the delivery of a MUGA next to Whitebeam House and Rowan House was not popular with the residents of those blocks. It was clear from the feedback that the residents of these blocks felt that the impacts of the MUGA (namely noise) would unfairly fall on the nearest residents and that a MUGA anywhere on the estate would not be a popular choice.

Alternative strategies to deliver fitness equipment within the estate were presented at meetings held in 2017 and 2019. These strategies focussed on making sure that the play strategy would not unduly impact certain people and would spread the equipment out through the estate to do so.



More recently, effort has been put into hearing the thoughts of younger residents of the estate (i.e., the target users of the equipment). This was carried out at two events held over summer 2021, in which the views of the estate's younger residents were sought on what they would like to see on their estate. What was clear from the feedback is that the younger people saw great opportunity for the estate to host playspace. Their view was that the open grassed spaces were good for informal play, but that more could be done to provide opportunities for seating and being active and to help them lead healthy lifestyles.

#### 4 Planning assessment

This section explains how the proposals accord with the statutory development plan, in the context of Section 38 (6) of the Planning and Compulsory Purchase Act (2004). For Camden, the statutory development plan comprises:

- **The London Plan (2021);**
- **The Camden Local Plan (2017); and**
- **The Camden Local Plan Policies Map Alterations (2017).**

This application has had regard to relevant Camden and GLA Supplementary Planning Guidance, and the National Planning Policy Framework ('NPPF')(2021).

Before providing an assessment of the Proposed Development against the Development Plan, it is worth setting out that the play equipment could be delivered without the need for planning permission. This is because the works would benefit from permitted development rights set out within Class A, Part 12 of the General Permitted Development Order 2015 (as amended). This legislation grants automatic permission to local authorities for *"the erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of... any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertaker..."* The Applicant benefits from its status as the Local Authority in this regard. This is a material consideration that should be afforded significant weight in the determination of this Application.

#### Relevant planning policy and guidance

Policy C2 Community Facilities of the Camden Local Plan (2017) emphasises the importance of a diverse range of community facilities to enhance quality of life and social cohesion and to help reduce crime and anti-social behaviour. The policy also seeks to *"ensure that existing community facilities are retained recognising their benefit to the community, [unless a] replacement facility of a similar nature is provided that meets the needs of the local population"*.

Policy D1 of the Camden Local Plan (2017) requires that development is *"inclusive and accessible for all; promotes health; [and] is secure and designed to minimise crime and antisocial behaviour"*. Policy A1 of the Camden Local Plan (2017) which seeks to *"protect the quality of life of occupiers and*



*neighbours*". Policy C1 Health and Wellbeing of the Camden Local Plan (2017) requires *"development to positively contribute to creating high quality, active, safe and accessible places"*.

Policy A3 of the Local Plan seeks to protect trees both by resisting the loss of them and by satisfactorily protecting them through the construction stage of a project.

Part M of Policy D8 of the London Plan requires that proposals should *"create an engaging public realm for people of all ages, with opportunities for social activities, formal and informal play and social interaction during the daytime, evening and at night."* Policy S4 of the London Plan sets out at part B that development proposals should increase opportunities for play and informal recreation, incorporate incidental play space and not result in the net loss of play provision.

The Camden Public Open Space CPG (2021) seeks for children's play space to *"address the needs of different age groups, taking into account the characteristics of the development."* It also states that the Council *"will give priority to delivering new areas of formal, equipped play facilities"*.

The Mayoral Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance ('SPG') (2012) provides overarching guidance for provision of play and recreation equipment for development within London. It encourages the provision of *"free, inclusive and accessible spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments."* It also encourages for social housing estates the transformation *"into multifunctional spaces that offer a range of leisure and recreation opportunities for users of all ages"*.

### **Assessment**

The policy support for the proposals could scarcely be stronger. The proposals have been formulated via a long and rigorous consultation process, as well as technical design input that will see the delivery of play, fitness and activity equipment through the estate to create areas of incidental and formal play for older children and young adults. The strategy achieves this whilst preserving those open areas of the estate that are used for informal play and relaxation. The proposals will make use of high-quality materials and will be managed in accordance with the Council's standard protocols, as with the existing play areas within the estate already are.

An **Arboricultural Impact Assessment** ('AIA') has been prepared on behalf of the Applicant. It sets out that the Site was surveyed in October 2021 and that no trees will be removed or pruned as a result of the proposed development. Whilst there is one area of encroachment into a root-protection area, this is deemed sufficiently minimal as to not require any special measures to mitigate against potential harm. The AIA sets out clear measures that will be taken during the construction phase to avoid any potential damage to the trees during this time. The proposals are therefore in accordance with Policy A3 of the Local Plan.

The strategy would replace the MUGA as permitted by the Maitland Park permission. To be clear, the MUGA has not yet been delivered, it exists only in that it has planning permission. In doing so, it would



provide a greater quantum of play space area and do so in a way that minimises impacts to residential amenity and encourages active and healthy lifestyles.

The Proposed Development is self-evidently in accordance with the Development Plan as it creates a high quality public realm and improves the delivery of play space within an area where families live.

### **Heritage**

There are no heritage assets within the application boundary, nor is the application within a Conservation Area ('CA'). There are numerous listed heritage assets in relative proximity to the Site, including the Grade II listed Load of Hay Tavern, 3no. Grade II listed Lamp Posts at the St Pancras Almshouses and the Grade II\* listed dwelling at 46 Grafton Terrace. The Site is also proximate to the Parkhill CA. It is not deemed, however, that the Site is in the setting of any of these heritage assets and no harm is found to be caused to the significance of any heritage asset by the Proposed Development.

### **Flood risk**

The Site is within Flood Risk Zone 1 (low probability) and the Proposed Development does not increase the risk of flooding either within the Site or in nearby areas. It is not deemed necessary to prepare a Flood Risk Assessment for these reasons.

### **Summary**

Following section 38(6) of the Planning and Compulsory Purchase Act (2004), determination of this Application should be made in accordance with the development plan unless material considerations indicate otherwise. The above assessment has shown that the proposals are in accordance with relevant planning policy. Material considerations in the form of planning guidance and the availability of permitted development rights to deliver the equipment without needing planning permission do not indicate that the decision should be taken other than in accordance with the development plan. They do, however, lend further significant weight to the proposals and amount to substantial support for them. As required by paragraph 11(c) of the National Planning Policy Framework, this Application should be approved without delay.

## **5 Conclusion**

I look forward to receiving confirmation that the Application has been validated. I trust you have everything needed to determine this Application. Should you for any reason need further information or have any queries please do not hesitate to contact me via phone or email.

Yours sincerely

Gregory Markes



## Senior Planner

enc. As stated in **Appendix 1**  
cc. Arthur Tizard (LB Camden)



## Appendix 1 – Submission schedule

Document/Plan	Author	Date/Reference
Application form	Quod	14 December 2021
Site Location Plan	Turkington Martin	TM122L20
Covering Letter	Quod	14 December 2021
Council Own Development Form	Quod	14 December 2021
Arboricultural Impact Assessment	Tamla Trees	December 2021
Design and Access Statement	Turkington Martin	December 2021
Landscape Materials General Arrangement	Turkington Martin	TM122L22
Landscape Levels General Arrangement	Turkington Martin	TM122L25
Landscape Existing Plan	Turkington Martin	TM122L21
Illustrative Landscape General Arrangement	Turkington Martin	TM122L22