

**CN/2011/0039/CON**

**Roundham With Hyde Ward**

**Paignton Green, Esplanade Road, Paignton**

**Details pursuant to condition 1 (levels), condition 2 (boundary treatment), condition 3 (details of play equipment), and condition 4 (landscaping) in relation to approved application P/2009/1209 which granted consent for a childrens play park at Paignton Green, Esplanade Road, Paignton**

### **Site Details**

The application site relates to a part of Paignton Green that measures approximately 0.7 hectares and is situated between the Flagship restaurant on Esplanade Road and the main access road to the Pier that runs at right angles to Esplanade Road towards Eastern Esplanade. The site is currently grassed and forms part of the wider public open space at Paignton Green.

In the Saved Adopted Torbay Local Plan the site is allocated as an Urban Landscape Protection Area and as being within the Coastal Protection Zone. The site falls partly within Flood Risk Zone 3.

### **Relevant Planning History**

- P/2002/0065 Use of public open space for exhibition and event use (max 28 days), charitable events (max 56 days) funfair with fairground operators caravans (max 42 days) and gallopers funfair ride with 2 other traditional rides between Friday spring bank holiday to Monday August holiday each year. Approved 15/3/2002.
- P/2006/1142 Formation Of New Adventure Golf Course With 6ft Perimeter Fence, Props And Hut. Approved 29/09/2006.
- P/2008/1673 Change of use to playground with play equipment for children aged 0 to 18 years with mounding, landscaping, footpaths. Approved 12/10/2009.
- P/2008/1672 Change of use to playground with play equipment for children aged 0 to 18 years with mounding, landscaping, footpaths. Approved 12/10/2009
- P/2009/1209 Formation of children's play park, conditional approved 7/01/2010.

### **Relevant Policies**

*Saved Adopted Torbay Local Plan 1995-2011:*

- L5 Urban Landscape Protection Area (Development not permitted if it would harm the value of the area and the quality of the urban environment).
- RS Recreation and leisure Strategy (Supports the provision of new recreation, leisure, entertainment and cultural facilities).
- R2 Outdoor recreation Developments (Proposals permitted if there would be no significant harm caused to residential or other amenities, if the development must be acceptable in terms of transportation, access and highways safety, and so long as there would not be any harmful impact on nature conservation, landscape protection or agricultural land).
- R5 Protection of POS and playing fields (The loss of public open space, playing fields and sports pitches will only be permitted where the development enhances existing sports or recreation facilities or meets other community needs).
- R6 Urban Play Parks (Promotes the retention of and development of new Urban Play Parks).
- TU3 New tourist facilities (will be permitted supported).
- EPS Environmental Protection Strategy (supports sustainable development that respects environmental limits).
- EP12 Coastal Protection Zone.

Also relevant is a the 'Greenspace Strategy' a Supplementary Planning Document adopted as part of the Local Development Framework.

## **Proposals**

At the meeting of 21st December 2009, Members approved a proposal for a children's play area on Paignton Green in between the pier and the cinema complex. This authorised the development of a play park celebrating Torbay's status as a Geopark and aimed at children aged between 2 and 13. It is intended to complement the recent approval of provision for older children and young people at Parkfield.

This 'parent' consent allows the proposal to be taken forward secure in the knowledge that the principles have been established and are lawful in planning terms. However, the approval was subject to a number of conditions, which will need to be satisfied before the proposal can be implemented. The conditions are as follows:

Standard time constraint (3 years for implementation)

- Condition 1 Requires details of existing and proposed ground levels indicating any alterations proposed.
- Condition 2 Requires details of all boundary treatment
- Condition 3 Requires detailed plans and specifications for all proposed play equipment incl. height, design, location, colour and materials.
- Condition 4 Landscaping scheme.
- Condition 5 Temporal trigger and maintenance plans for landscaping scheme.
- Condition 6 Desktop survey of archaeological implications.
- Condition 7 Requires a detailed surface water drainage scheme.
- Condition 8 No development over the Victorian culvert except the footpath indicated.
- Condition 9 Requires demonstration of adherence to the principles of 'Secure by design'.
- Informative 1 Advises that Flood Defence Consent will be required from the E.A.
- Informative 2 Advises that the proposal accords with the relevant policies and considerations of the Saved Adopted Torbay Local Plan.

On this basis, permission is now sought to discharge the relevant conditions, namely 1, 2, 3, 4, 7 and 9.

## **Consultations**

*Drainage:* Obs. awaited.

*Landscaping and Arboricultural Officers* Obs Awaited.

*Police Architectural Liaison Officer:* States that he is satisfied that adequate steps have been taken to minimise the opportunity for crime and Anti Social Behaviour at this location. However he recognises that the main contributing factor to this conclusion will be the management practices that will have to be implemented by the owners once the project is completed.

## **Representations**

Received and reproduced at page P.202.

## **Key Issues/Material Considerations**

It is important for Members to appreciate that the permission for a children's play park at this location has already been established in planning law, is still capable of implementation and is still in time. The basic permission cannot therefore be re-visited as part of this application, because that is not the purpose of this application. This proposal asks the L.P.A. to consider the detail required by the conditions on the 'parent' consent.

### *Condition 1*

Existing and proposed ground levels are shown on submitted drawing no. SQ208060-01-01 rev. B. The figures given relate to height above Ordnance Datum. The plan shows that the highest portion of

the site would be 4.30 m. O.D. at the point of the Balance Pods (E14), the stilts (E15) and the Gaul Play Unit (E16), all of which are clustered together in the Teen Play area on the seaward side in the northern half of the site. Most of the play units are below 1.5 m. above the ground level. In terms of the cross-section and fall of the land, the site is generally shown as being built up at the edges to give some definition and demarcation to the boundary. It is generally shown higher on the seaward side to provide protection from prevailing winds. The proposed gradient would however be gently sloping from the seaward side to the landward side with an average difference of approximately 1.5 m.

#### *Condition 2*

The boundaries to the site are open with no specific fencing or hedging indicated. However, the land is shown built up at the edges so that the total play area is effectively in a bowl.

#### *Condition 3*

Full details of each individual item of play equipment have been submitted. The items include the following. Toddler/Devonian area - a spinner bowl, ladybird springer, snake springer, ocean seesaw, double swing, tree castle, hexagonal net; Junior play/carboniferous area - rotating spicas, large two mast spacenet, birds nest swing; Teen play/Quaternary area - balance pods, robinia stilts, play hut, robinia pyramid, Kaise Kuhne Dutch disc, robina cableway (30 m.), platform for cableway, large play system, climbing tree, hammock, 6-way swing; Sand and water play/Permian area - sand play unit, water pump with sand gutter, waterpump, watertable, starfish, double spiral and sandtable, rotating table

#### *Condition 4*

A large variety of herbaceous plants, ornamental grasses, shrub planting and ornamental specimen planting are proposed. This is shown on drawing no. SQ208060-01-05 (Planting Plan). The planting is shown located mainly surrounding the individual play areas. The existing trees on the edge of the site adjacent to the Esplanade are shown to remain. The council's Urban Design and Landscaping Officer is currently assessing the scheme to ascertain the appropriateness of the proposed plant coverage, the suitability of the species in a marine environment (salty air, windy and relatively wet atmosphere) and appropriateness in respect of child safety. The matter has also been referred to the Principle Natural Environment who will be the Council Officer responsible for maintenance of the scheme. Their views are that the proposal is broadly acceptable, but further assessment still needs to be made on the details. Their views will be reported to Members at the meeting.

#### *Condition 7*

A surface water drainage statement was submitted and approved as part of the original 'parent' consent. It concluded that run-off could be attenuated on site through a number of methods to ensure that the risk of the site increasing storm water run-off can be mitigated. However, further information was requested by condition 7 in the knowledge that greater detail would be required and the details of the scheme and treatment had not been agreed at that stage (also reserved by condition). Officers are currently negotiating on this issue, the results of which will be reported to members at their meeting.

#### *Condition 9*

The Police Architectural Liaison Officer comments that he is satisfied that adequate steps have been taken to minimise the opportunity for crime and Anti Social Behaviour at this location. However he recognises that the main contributing factor to this conclusion will be the management practices that will have to be implemented by the owners once the project is completed.

**Sustainability** - The proposal site is very accessible from the bus network and is within short walking distance of the town centre. The site is ideally located for the use proposed, being close to the beach and other attractions and located centrally both in Paignton and Torbay as a whole. This was accepted with the parent consent and is not really an issue for consideration here.

**Crime and Disorder** The proposal would attract additional people to the area and crime prevention measures may need to be considered, at this stage there are no proposals for lighting the play park

and the park is to be open and accessible to all. The views of the Police Architectural Liaison Officer in terms of crime and disorder will be reported at the committee meeting.

**Disability Issues** The site would remain accessible for all with level and ramped access, although certain equipment and access routes may not be suitable for use by the disabled.

### **Conclusions**

The location and effect of the proposed development in general terms on the character of this part of Paignton Green was a consideration made and resolved when the parent consent was granted permission in 2009. In terms of the details now provided these are considered to be acceptable and in conformity with the understanding of the scheme as considered when the parent scheme was considered and approved. The equipment will be visible and have a presence, with some items being quite large and tall. However this was always understood to be the situation. The provision of landscaping helps assimilate the scheme into the site. The Police are happy with security and safety issues involved with this proposal. Further details are still required in respect of drainage.

### **Recommendations:**

The details required to satisfy conditions 1, 2, 3 and 9 are acceptable and sufficient to discharge the requirements of the conditions. Officers will report further information in respect of the views of the Council's Urban Design and Landscaping Officer and the Principal Natural Environment regarding landscaping (condition 4) and the long term maintenance of the park, together with the views of the Council's Manager (Drainage and structures) in relation to condition 7.