

**Application Number**

P/2014/0571

**Site Address**Victoria Park  
Torquay Road  
Paignton  
Devon**Case Officer**

Carly Perkins

**Ward**

Roundham With Hyde

**Description**

Retention and change of use of the existing youth service building with a childcare facility (Class D1) (Variation of condition 1 of original planning permission P/2012/0183)

**Executive Summary/Key Outcomes**

The application site is a building within Victoria Park close to the tennis courts. The existing building on site replaced a former changing room and was approved for use on a temporary basis as a youth service building. In 2012 a change of use of the building to a children's centre was approved but the temporary consent remained allowing the retention of the building until August 2014. This application is for the variation of condition 1 of application reference P/2012/0183 to allow the permanent retention of the building for use as a children centre or an extension to the existing temporary consent.

The principle of the use is considered acceptable making a positive contribution to the Paignton community and being located in a sustainable location easily accessible to those who use the site. However there is a clear policy conflict when considering the impact of the development on the character and appearance of the locality as the building is of a poor design and located in an area characterised by its openness. The need for the facility and the loss of it is a material consideration to be assessed against other policy considerations of design and the impact on the urban landscape protection area. On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of the park already subject to other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to implement a landscaping scheme and the positive social impacts of the use in this location, it is considered that the benefits of the scheme subject to the implementation of a landscaping scheme outweigh the negative impacts of the building.

## **Recommendation**

Conditional approval; conditions as drafted in this report.

## **Statutory Determination Period**

8 weeks, the determination date is the 12th August 2014.

## **Site Details**

The application site is a building within Victoria Park close to the tennis courts. The existing building on site replaced a former changing room and was approved for use on a temporary basis as a youth service building. In 2012 a change of use of the building to a children's centre was approved but the temporary consent remained allowing the retention of the building until August 2014. There is a mature tree screen adjacent to the site along the boundary with the properties in Polsham Park. The site is visible in views across the park from Torquay Road and Hyde Road.

In the Torbay Local Plan 1995-2011 the site is allocated as an Urban Landscape Protection Area (Policy L5). The boundary of the Polsham Conservation Area runs along the boundary of the park with properties in Polsham Park. The application site is not in the Conservation Area.

## **Detailed Proposals**

The existing single storey building on the site has a temporary permission until 31st August 2014 for use as a children's centre. This application is for the variation of condition 1 of application reference P/2012/0183 to allow the permanent retention of the building for use as a children centre or an extension to the existing temporary consent.

The centre will operate as it has done since 2012 offering a drop in style centre for families continuing to provide a variety of sessions. The centre is open 6 days a week with the core hours being:

Monday	9am - 3pm
Tuesday	9am - 6pm
Wednesday	9am - 5pm
Thursday	9am - 5pm (occasionally until 7pm)
Friday	9am - 6pm
Saturday	9am - 12pm

The centre also has occasional group sessions over these core hours but these are dependent on demand.

## **Summary Of Consultation Responses**

*Drainage:* No objections.

## **Summary Of Representations**

2 representations received (1 support, 1 objection). Issues raised:

- Principle supported
- Impact of cars using the park to access the building to drop off children

These representations have been copied and sent electronically for Members consideration.

## **Relevant Planning History**

P/2012/0183            Retention and change of use of the existing youth service building with a childcare facility (class D1) APPROVED 17.10.2012

P/2009/0557            Remove disused timber changing rooms and replace with steel youth service building temporary consent until 31.08.2014 APPROVED 17.09.2009

## **Key Issues/Material Considerations**

The key issues are:

1. The Principle of the Use
2. The Permanence of the Use
3. Impact on Residential Amenity

1. *The Principle of the Use*

As noted in 2012, the proposed use would be consistent with the objectives of Policy CF1 in the Torbay Local Plan 1995-2011, which supports the provision of community facilities. The location of the proposed children's centre is sustainable by reason of its central location within Paignton and its proximity to the town centre. It has good accessibility by public transport. The principle of providing a children's centre makes a positive contribution to the community by providing support and information for families with young children. Paragraph 69 of the NPPF recognises that the planning system can play an important role in creating healthy inclusive communities. The use employs several staff and this was stated as 22 on the 2012 application.

## 2. *The Permanence of the Use*

Policy L5 in the Torbay Local Plan 1995-2011 relates to the designation of Victoria Park as an Urban Landscape Protection Area. The policy states that development will not be permitted 'which would seriously harm the value of the open area as an open element within the townscape and the contribution it makes to the quality of the urban environment'. The existing planning consent is temporary which means that in the long term the building would be removed from the site and the openness and recreational value of the park will be maintained.

In 2012 it was considered that a permanent planning permission would not be consistent with the objective of this policy as the building is visible in distant views across the park from surrounding roads, and does impact on the quality of views across the park to the mature line of trees along the boundary with properties in Polsham Park. There have been no changes in planning policy or site circumstances since 2012 to reach a different conclusion.

The building is typical of a simple portakabin building with limited design quality and a very utilitarian appearance. The building has not been designed to take into account the setting of the site or the established character of development in the surrounding area. Policies BES and BE1 in the Torbay Local Plan 1995-2011 promote a high standard of design that makes a positive contribution to local character and distinctiveness. It was considered in 2012 that the building failed to meet the objectives of these policies in that it has a temporary appearance that fails to enhance the appearance and character of the area and there have been no policy changes since 2012 to lead to a different conclusion.

The building was granted temporary consent in 2009 to provide facilities that would make a valuable contribution to the community and it was understood that on completion of the Parkfield development the use would be moved to that facility allowing the building to be removed from the park once the use ceased. In 2012 it was considered that the permanent retention of the building on site would be inappropriate in this location, due to its limited design quality. Furthermore, the consent should tie in with the 2009 consent, so that at the end of this period a final decision could be made as to the retention of the building. This took into account national guidance recommending that a second temporary permission should not normally be granted and at the end of the first permission it should be clear whether permanent permission or a refusal is the right answer.

In 2012 there were 2 years remaining as part of the temporary consent providing the Authority 2 years to investigate any alternative locations for the Children's Centre in the long term. The Council's Early Years and Childcare Services section has over the past two years sought to find an alternative location that would enable them to continue delivering a similar level of service but without success. It was concluded that there are no alternative sites available without significant capital investment.

As there are no other premises available or suitable for this use to continue elsewhere, the refusal of this application would lead to the loss of this facility. Between April 2012 and June 2012, 1,221 children and 1,033 carers accessed the centre. Between January 2014 and March 2014 this had risen to 3,475 children and 3,127 carers. This demonstrates the importance of the facility to the local community.

On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of the park already subject to other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to carry out further landscaping to help soften the visual impact of the building and the community benefits of the facility, it is considered that the benefits of the scheme outweigh the negative impacts and permanent permission should be granted.

3. *Impact on Residential Amenity:*

The proposed building is sufficient distance from nearby properties not to cause any disturbance from noise within the building. Subject to the same conditions imposed on the 2012 application regarding hours of use, the proposal is not considered to result in a detrimental impact to residential amenity.

4. *Impact on Highways and Parking:*

As noted above the location of the proposed children's centre is sustainable by reason of its central location within Paignton and its proximity to the town centre. The site has good accessibility by public transport and there are no concerns with regard to highway safety or parking provision. The objection raised regarding the use of the park by vehicles is noted and has been referred to the applicant for investigation. This would not constitute a reason for refusal, but the applicant has been advised to explore this further. The applicant has stated that parents do not drive through the park or park vehicles next to the centre; however, on a weekly basis staff drive a vehicle to the premises in order to collect equipment to take to other locations. The applicant is investigating this further to see how often this happens and how long the vehicle is in the park.

**S106/CIL -**

N/A

**Conclusions**

The need for the facility and the loss of it is a material consideration to be assessed against other policy considerations of design and the impact on the urban landscape protection area. On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of

the park already subject to other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to implement a landscaping scheme and the positive social impacts of the use in this location it is considered that the benefits of the scheme outweigh the negative impacts, subject to the implementation of an appropriate landscaping scheme.

### **Condition(s)/Reason(s)**

01. The use of the building hereby approved shall take place between the hours of 8.30am and 7.00pm on Mondays to Saturdays and not on Sundays.

Reason: In the interests of the residential amenity of adjoining properties in accordance with saved Policy CF1 of the Adopted Torbay Local Plan 1995-2011.

02. Within 6 months of the date of this permission, full details of soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All landscaping works shall be carried out in the next planting season following approval of the submitted details. The works shall proceed in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.

Reason: To secure a landscape scheme in the interests of visual amenity in accordance with saved Policies BE2 and L5 of the Adopted Torbay Local Plan 1995-2011.

### **Relevant Policies**

BE1 Design of new development  
BES Built environment strategy  
BE2 Landscaping and design  
L5 Urban Landscape Protection Area  
CF1 Provision of new and improved community  
NPPF National Planning Policy Framework