

Application Number

P/2009/1209/PA &
CN/2011/0039

Site Address

Paignton Green
Esplanade Road
Paignton
Devon
TQ4 6AG

Case Officer

Mr John Burton

Ward

Roundham With Hyde

Executive Summary/Key Outcomes

Application is made to discharge condition 7 of permission P/2009/1209. The condition requires provision detailed surface water drainage scheme. A significant amount of work has been undertaken pursuant to this condition, with one outstanding matter (the testing of infiltration rates) remaining. Onsite testing of infiltration rates were carried out during week beginning 5th September. The results of those tests, alongside the views of the Council's Service Manager (Drainage and Structures), will be reported verbally to Development Management Committee.

Recommendation

Officers will report verbally to Committee, following submission and analysis of further data on drainage issues..

Site Details

The application site is an area of Paignton Green approximately 0.7 hectares in size, situated between the Flagship restaurant on Esplanade Road and the main access road to the Pier. The site is currently grassed and forms part of the wider public open space at Paignton Green.

Detailed 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. 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. The permission is still capable of implementation and is still in time and so the basic permission cannot be re-visited as part of this application. However, the original approval was subject to a number of conditions, which need to be satisfied before the proposal can be implemented. Conditions 1 (ground levels); 2 (boundary treatment); 3 (specifications of play equipment); 4 (Landscaping); and 9 (principles of 'Secure by design') were all considered and approved by Members at their meeting in July 2011.

This application is submitted to discharge condition 7 relating to surface water drainage. It is proposed to drain the impermeable areas of the site to

soakaways in order to achieve a sustainable drainage solution. Although the details were submitted to the Council before the last meeting of Committee in August, they came too late for proper consideration. The information was complex and detailed and the Council's Service Manager (Drainage and Structures) had request further research. Thus the item was deferred by Members until September's meeting.

Outstanding information, relating to infiltration rates, will be submitted on 12th September, assessed by the Council's Service Manager (Drainage and Structures) and reported verbally to Members.

Summary of Consultation Responses

Drainage: The Council's Service Manager (Drainage and Structures) states that the applicant has submitted drainage calculations for surface water run-off to be drained to a new trench soakaway, but with the use of assumed data on infiltration rates. In order for planning condition 7 to be satisfied, the applicant must undertake on-site testing and supply details of the groundwater levels encountered for the 24 hour period.

Environment Agency: The Environment Agency's comments will be reported to Members at their meeting.

Summary of Representations}

These specific details (drainage) were re-advertised on 25th August at Members' request, and the new consultation period will expire on 15th September. No representations have as yet been received.

Relevant Planning History}

P/2009/1209 Formation of children's play park, conditional approved 7/01/2010.

CN/2011/1209 Details pursuant to conditions 1 (ground levels); 2 (boundary treatment); 3 (specifications of play equipment); 4 (Landscaping); and 9 (confirmation of adherence to the principles of 'Secure by design') of permission P/2009/1209 were approved by Members at their meeting in July 2011. Details pursuant to condition 7 (Drainage) were considered but deferred by Members at their last meeting in August 2011.

Key Issues/Material Considerations}

Principle and Planning Policy

The principle of this development has already been established by the consent granted in January 2010. When Members considered that proposal, it was deemed to be in line with the relevant policy considerations of the Saved Adopted Torbay Local Plan.

A surface water drainage statement was approved as part of the original consent, approved under reference P/2009/1209. 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.

Subject to the outstanding element of data (re infiltration rates) being submitted on 12 September and assessed before Committee, Members will be provided with a verbal report on whether condition 7 is satisfied.

Conclusions

This application to discharge the surface water drainage details is on this agenda at the request of Members. The need to discharge condition 7 of the permission is vital to ensure the Play Park is open by Easter 2012. It is understood that outstanding matters can be resolved, but the detail required by the Council's

Service Manager (Drainage and Structures) will not be available until 12 September 2011. If these details are satisfactory, meeting the requirements of Condition 7, Members will be advised that Condition 7 should be discharged.