

P/2010/1308/PA

Preston Ward

Parkfield House, Esplanade Road, Paignton

Revised siting of BMX track and omit proposed on site parking area due to discovered badger setts

Site Details

The application site relates to the curtilage of Parkfield which is a Grade II Listed Building. It is situated to the north of Esplanade Road and Lower Polsham Road. The railway line runs along the western boundary of the site. The site is situated close to the sea front. The southern part has significant mature tree cover, most of the trees being the subject of Tree Preservation Orders (TPOs).

The walls and gate piers on the site and a garden house to the north of Parkfield (known as the folly) are also listed. Parkfield was most recently used as Council offices. The My Place development is currently under construction on the site.

Vehicular access to the site is from Esplanade Road with a one way system in the site exiting onto Lower Polsham Road, which is also a one way street. Along the eastern boundary of the site are residential and commercial properties fronting Esplanade Road, Marine Drive and Colin Road. There are also residential properties on the opposite side of Lower Polsham Road. The surrounding area is in mixed use, predominantly comprising residential properties and hotel uses.

In the Torbay Local Plan 1995-2011 the southern part of the site is shown as being within the Polsham Conservation Area.

Relevant Planning History

2009/0983/R4 Demolish nursery buildings. Replace with new build 'My Place' building containing indoor sports hall, associated changing and toilet facilities, cafe/internet areas, recording and sensory rooms. Outdoor facilities to include BMX and skate board tracks, on site car parking and landscaping. Renovation and change of use to Parkfield House from Council offices to 30 bed youth hostel for new 'My Place' building. Landscaping to existing grounds. Approved 26/11/2009.

2010/0155R4 Change of use of existing folly from garden storage to skate park kiosk and first floor office. Adjustment and widening of exit pillars onto Lower Polsham Road from approved site approved 10.5.10

2010/0156 Change of use of existing folly from garden storage to skatepark kiosk and first floor office, adjustment and widening of exit pillars onto Lower Polsham Road from approved site approved 14.6.10

Relevant Policies

In the *Saved Adopted Torbay Local Plan 1995-2011* the following policies are relevant:

- R2 Proposals for outdoor recreation developments will be permitted subject to a number of criteria
- CF1 Provision of new and improved community facilities
- BES Requires new development to conserve or enhance the built environment
- BE1 Requires design of new development to take account of the wider context
- BE5 Development will only be permitted where it will preserve or enhance the character or appearance of the conservation area
- BE6 Requires development to have regard to preserving any listed building, its setting or features of interest
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Protection of trees

Proposals

This proposal is to relocate the BMX track that has previously been approved, moving it by 7 metres to

the south of its approved location, closer to the boundary of the site with Lower Polsham Road. The area to the north of the site, originally allocated for parking for 50 vehicles, four of which were disabled spaces, is to be retained as grass.

The reason for these revisions is that a badger sett was found on the area originally proposed for car parking. Badgers are protected under the Protection of Badgers Act 1992. This has meant that it is not possible to use the originally intended area for parking, and the size of the protected area has resulted in the need for the BMX track to be re-sited 7 metres to the south.

The re-siting of the BMX track would necessitate the felling of 2 additional trees to those which the Council has already agreed could be felled. These are located adjacent to the exit to Lower Polsham Road. In addition, the re-location of the BMX track necessitates a revised approach to the cut and fill process and provides for a steeper gradient for the retaining structures and an increased overall height for the BMX track in the vicinity of Lower Polsham Road.

Consultations

Highways: No objection.

Strategic Transport: Requests a revised staff and visitor travel plan. Raises concerns over increased need for young people to cross roads to access the site from alternative car parks in the absence of significant on-site parking provision.

Arboricultural officer: No objection.

Representations

Letters of representation have been received. These have been reproduced and placed in the Members Room. They cite the following key concerns:

- * Grave concerns about height and proximity of bank in relation to Lower Polsham Road.
- * Suggests height of bank would be twice the height of the railway bridge.
- * Increase in activity, traffic and general mayhem will be intolerable.
- * Are humans not considered worthy of protecting?
- * Bmx track would be an eyesore
- * Angle of sight from Lower Polsham Road to the top of the structure is dramatically increased
- * This was never a suitable site for this sort of facility
- * When the track is completed there will be a clear view into our bedrooms resulting in a loss of privacy
- * A better solution would be to remove the earth bank
- * The badgers will naturally relocate
- * Will be so high it will overpower the whole area

Key Issues/Material Considerations

The main issues are the principle of the loss of on site parking spaces and the impact of the revised siting of the BMX track on the appearance and character of the area, particularly with regard to alterations to ground levels and the removal of additional trees.

Car parking

The loss of the on site car parking provision would result in additional demand for public parking in the area. However, there is dedicated parking available at the Colin Road car park (seasonal), along the sea front (seasonal) and also in the Victoria car park. The Strategic Transport Officer has advised that this would be likely to result in more young people needing to cross roads in the area. As such the Travel Plan should be revised to address the lower provision of on site parking. This would enable the applicant to consider the issue of safe travel to and from the site and provide sufficient mitigation.

Trees

The proposal would necessitate the felling of a grade C sycamore tree (originally surveyed as tree number 140) and a Portugal Laurel which was not included in the original tree survey due to the species type. The Arboricultural Officer has confirmed that he has no objection to these changes.

Ground levels

The ground levels drop at the southern end of the site and therefore the proposed re-siting of the BMX track will necessitate increasing the steepness of the gradient of the bank substantially and increasing the height of the track nearest to Lower Polsham Road by several metres. The submitted plan shows that a Tensar Tech green slope retaining structure will be used to form a bank. Sections through the site have now been received and these illustrate how the ground levels will be changed. Further details in respect of the impact of the structure in this location have been requested and will be presented at the committee meeting.

The applicant has been requested to place markers on site to show the proposed changes in levels. It is suggested that Members visit the site to assess the visual impact of this part of the proposals.

Noise impact

As a result of the proposal, the BMX track would be sited closer to residential properties in Lower Polsham Road. In the Acoustic Impact Assessment submitted with the original planning application (2009/0983) it advised that the National Playing Fields Association's guidelines contained in its publication "Planning and Design in Open Spaces" recommends that there should be a buffer zone between play and recreation activities and residential properties. It is suggested that wheeled activities should be situated a minimum of 30 metres from the residents boundary. The submitted plan shows that the revised location of the BMX track would be 27 metres from Lower Polsham Road. The applicant has submitted a plan showing the closest part of the BMX track would be 27 metres from 'Hydrina' in Lower Polsham Road.

The original Acoustic Impact Assessment advised that the sound sources at a BMX track are associated with the sound interaction of a rubber tyre with the track surface, and the voices of the users using the track. Given that the track is to be constructed of dirt and tarmac mixture, the sound from the tyre interaction with the surface is likely to be minimal. The dominant source of noise would be likely to be from people congregating and talking. The spectator areas would be adjacent to the centre of the track and therefore it would be unlikely that the revised siting of the track would generate additional noise nuisance to have a detrimental impact on residential amenity in the area. At any rate a 1.5 metre high timber acoustic screen is currently proposed along the western boundary on the top of the BMX track.

Update

This application was considered at the meeting of the Development Management Committee on 21st February and was delegated to the Head of Spatial Planning subject to a meeting with the applicant, objectors and Ward Councillors to resolve outstanding issues. Due to a number of letters of representation not being reported to Members at this meeting it is considered appropriate for the application to be considered again by the Development Management Committee.

Since the previous meeting the following issues have been explored;

- * A community consultation exercise has been requested and the feedback will be reported to Members at their meeting.
- * The applicant has been requested to provide a statement of why the loss of car parking from the site would not be detrimental to the use of the site and how this will be addressed.
- * The applicant has advised that it is not possible to reduce the height of the BMX track due to drainage on the site and having already placed drainage tanks

under this area. A further statement on this has been requested.

- * Further consideration of whether it is possible to close one or more of the badger setts is being explored.
- * A section showing the relationship of the height of the BMX track to the railway line has been requested.
- * A montage of the visual impact of the BMX track from Lower Polsham Road has been requested.
- * Further details of the acoustic barrier and how it could be screened by planting has been requested.
- * Clarification of the benefits to the community from the development and the funding constraints has been requested.
- * A statement from the applicant has been requested to explain why the presence of badgers on the site could not have been addressed earlier in the development process.

Sustainability - The proposal would make effective use of the existing site. It is located within walking distance of Paignton Town Centre and is accessible by public transport.

Crime and Disorder - The proposal would not increase the risk of crime in the area subject to the incorporation of crime prevention measures.

Disability Issues - The proposal would not change access to the site for disabled persons in comparison with the scheme approved under 2009/0983

Conclusions

In conclusion the changes to the ground levels to form the BMX track will make the track more visible from Lower Polsham Road. An important consideration is the impact of the development on the visual amenity of the area. Further information about the height and external appearance of the BMX track has been requested and will be useful in assessing the proposal. Further clarification of the way in which the loss of parking spaces on the site will be managed is awaited.

Recommendation

Committee Site Visit; Subject to the receipt of satisfactory further information; Conditional Approval. Conditions to be delegated to the Executive Head of Spatial Planning.