

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

**Roundham With Hyde Ward**

**Paignton Green, Esplanade Road, Paignton**

**Formation of children's play park &**

**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 children's 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.
- CN/2011/1209 Details pursuant to conditions placed upon the original grant of permission for the formation of children's play park, considered and approved by Members at their last meeting in July 2011. Decision not as yet formally issued.

### **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 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. 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. Condition 1 (ground levels); Condition 2 (boundary treatment); Condition 3 (specifications of play equipment); Condition 4 (Landscaping); and Condition 9 (confirmation of adherence to the principles of 'Secure by design') were all considered by Members at their last meeting in July 2011. The details were approved.

Firstly, it is noted that the recommendation to Members at their last meeting did not specify that condition 4 (landscaping) should be discharged. Officers are clear that landscaping details were shown to Members and indeed the Committee minute shows that Members did approve the details that had been considered in this regard. Therefore for the sake of clarity, Members are asked to confirm that the landscaping details have been discharged.

Secondly, the issue of site drainage as required by condition 7 has still to be satisfied. Full details in this regard have yet to be submitted to the Council and verified by the Service Manager (Drainage and Structures). However, as it is intended to start work on implementation of the scheme in early September, this issue will need to be considered by Members at the August meeting.

## **Consultations**

*Drainage:* Obs. awaited.

*Landscaping and Arboricultural Officers:* Have recommended that the scheme as submitted is acceptable and appropriate.

## **Representations**

Received and reproduced at page P.201.

## **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 condition 7 (drainage) and to confirm previous acceptance of condition 4 (landscaping).

## **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.

**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 may to a certain extent be self-policing. Difficulties may occur at night with vandalism and graffiti when the park would not be in use. There are no proposals for lighting the play park or for additional CCTV

facilities. However, Police Architectural Liaison Officer has commented that the scheme is acceptable and members did discharge condition 9 regarding 'secured by design' at their last 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.

**Recommendations:**

Members are asked to confirm that they did resolve to accept the landscaping details as required under condition 4. The details required to satisfy condition 7 (drainage) will be reported to Members verbally at their meeting.