

Application Number

P/2014/0571

Site AddressVictoria Park
Torquay Road
Paignton
Devon
Torbay**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

In 2014 the Development Management Committee considered this application and resolved to grant permission subject to the implementation of a landscaping scheme and the painting of the building to be more in keeping with the surroundings. Over the last year the applicants have been exploring the potential options for landscaping to screen the development. For a number of reasons including ground conditions, anti-social behaviour and safety requirements landscaping is not a feasible option to screen the development and therefore the application requires further consideration by the Committee.

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. Whilst a scheme of landscaping would have helped to screen the building, the painting of the building in RAL 6003 (green) will soften its existing impact on the wider surroundings. Whilst previously it was suggested that a permanent permission should be granted, a further temporary three year consent would allow further opportunity for the applicant to consider other methods of screening or enhancing the appearance of the building prior to applying for a further consent. 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 paint the building 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 a further temporary permission of three years should be granted.

Recommendation

Conditional approval. Conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

Statutory Determination Period

8 weeks, the agreed extended determination date is the 29th January 2016.

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 2012-2030 the site is allocated as an Urban Landscape Protection Area (Policy C5). 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.

Arboricultural Officer: Given the difficulties of planters (attract vandalism and may be used to discard needles) this option has been discounted. Hedging is not an option as this would place a maintenance burden on Natural Environment Services and may be counterproductive in offering a screen to anti social behaviour. There is no known way to screen the building via soft landscaping.

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 sent electronically to Members for 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*

The proposed use would be consistent with the objectives of Policy SC1 and SC3 in the Torbay Local Plan 2012-2030, which supports the provision of educational facilities and developments that improve the health and well being of the community. 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 is considered acceptable making 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 C5 in the New Torbay Local Plan 2012-2030 relates to the designation of Victoria Park as an Urban Landscape Protection Area. The policy states that development will only be permitted where it does not undermine the value of the Urban Landscape Protection Area and makes a positive contribution to the urban development and enhances the landscape character of the area. 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. Whilst there is a new Local Plan the aims of the relevant policies are consistent with those applied in 2012 and as such it is considered that there have been no significant 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. Policy DE1 of the New Torbay Local Plan 2012-2030 promotes 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 (then policy BES and BE1 of the Torbay Local Plan 1995-2011) in that it has a temporary appearance that fails to enhance the appearance and character of the area and whilst there has been a

change in local policy since this decision it would not 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. 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. Current national policy includes similar advice stating that it will be rarely justifiable to grant a second temporary permission and that a further permission should normally be granted permanently or refused if there is a clear justification for doing so. In addition it states that there is no presumption that a temporary grant of planning permission should be granted permanently.

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.

Whilst a scheme of landscaping would have helped to screen the building, the painting of the building in RAL 6003 (green) will soften its existing impact on the wider surroundings. Whilst previously it was suggested that a permanent permission should be granted, a further temporary three year consent would allow further opportunity for the applicant to consider other methods of screening or enhancing the appearance of the building prior to applying for a further consent if required. The use of the building is considered socially invaluable however due to the sensitive location of the building and its appearance which lacks aesthetic merit and cannot be easily screened, a further temporary consent is considered justifiable.

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 paint the building 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 a further temporary permission of three years 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 paint the building 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 a further temporary permission of three years should be granted.

Condition(s)/Reason(s)

01. Hours of use
02. Building shall be painted within 3 months of the date of the decision

03. Temporary consent for 3 years

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

C5 - Urban landscape protection areas

SS10 - Conservation and Historic Environment

SC1 - Healthy Bay

SC3 - Education, skills and local labour