

Application:	17/01199/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Andy Nepean - Tendring District Council	
Address:	Bath House Meadow Hall Lane Walton On The Naze CO14 8HW	
Development:	Refurbishment and addition of play equipment on existing play area.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as the applicant is Tendring District Council.
- 1.2 The application proposes new play equipment between the existing play area at Bath House Meadow and the car park. The site is allocated for recreational open space under adopted Policy COM7 and draft Policy HP4 and so is in accordance with the development plan. This is inclusive play equipment so is accessible to a wider range of disabilities and special needs to provide play spaces that meet the needs of all children.
- 1.3 The detailed design and siting of the play equipment raises no material concerns in terms of visual or residential amenity.
- 1.4 Although the site is located in Flood Zone 3 (high risk), the site is already used and allocated in the adopted and draft local plans as a play area, and therefore no new flood risks issues will be introduced as a result of the proposals.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of any external lighting

2. **Planning Policy**

National Planning Policy Framework (NPPF)

Local Plan

Tendring District Local Plan (2007)

QL1: Spatial Strategy

QL3: Minimising and Managing Flood Risk

QL6: Urban Regeneration Areas

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

COM1: Access for All

COM7: Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM8: Provision and Improvement of Outdoor Recreational Facilities

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP4 Safeguarded Local Greenspace

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

02/01471/FUL	Proposed skateboard park.	Approved	11.10.2002
92/00698/FUL	Additional landscaped area forming storm water overflow area in conjunction with leisure facility development (Variation to scheme approved under planning permission TEN/91/1361)	Approved	05.08.1992

4. Consultations

Frinton and Walton Town Council	Approval subject to the repositioning of the site. Would suggest that it is turned 90 degrees and sited along the pathway and towards the putting green so as not to cut the meadow in half which prohibits the site being used for large events.
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5. Representations

5.1 One letter of observation has been received and is summarised as follows:

- Concerned regarding security will the play area be gated?
- Concerned about vandalism and youths congregating at night
- Will there be CCTV coverage or police presence?

6. **Assessment**

- 6.1 The main planning considerations are: The principle of development, design and visual impact, flood risk and impact on residential amenity.

The principle of development

- 6.2 The site is within a sustainable location well served by public transport. This is an existing recreational area which is allocated for recreational open space under adopted Policy COM7 and draft Policy HP4 so the proposal is in accordance with the development plan. Adopted Policy COM8 supports the provision and improvement of outdoor recreational facilities where they meet the needs of all residents; are of suitable size and location; and are accessible by a choice of transport modes. The site also lies within the Walton Regeneration Area and is likely to provide a significant boost in terms of visitors to the site and wider area.

Design and visual impact

- 6.3 The land is allocated and currently in use as public open space. The proposed development comprises a variety of play equipment including a 7.5 metre high tower, designed to reflect local beach huts, with a slide and a 13 metre long ramp which is between 0.9 metres and 1.4 metres above ground level serving another slide and two cargo nets. Other play equipment surrounds this structure including a 2m x 2m trampoline, rope end swing, stepping posts, roundabout, sculptural palm tree, and seating. Surfacing comprises areas of sand, decking, tarmac and cushionfall.
- 6.4 The existing play area is also to be refurbished and painted in matching colours with new toddler equipment.
- 6.5 The design and scale of the proposed development is considered acceptable and it will result in a significant visual improvement of this area of the public open space. A condition is recommended to control any external lighting in the interests of visual and residential amenity.

Flood risk

- 6.6 The site lies within Flood Zone 3 (high risk) where adopted Policy QL3 and draft Policy PPL1 require the sequential test to be undertaken to demonstrate that there are no reasonably available sites in a lower flood risk area. Although the site is located in Flood Zone 3 it is an existing recreational area and allocated for recreational open space under adopted Policy COM7 and draft Policy HP4. As such, a Sequential Test is not required as the development is of the same type and represents expansion of the existing use.
- 6.7 The National Planning Policy Framework (NPPF) advises that site specific flood risk assessments are required for all new developments in Flood Zone 2 and 3. During pre-application discussions the Planning Authority have advised that a Flood Risk Assessment is not required to support this application as the site is already used as a play area and the development would not result in an increased risk of flooding.

Impact on residential amenity

- 6.8 The site is allocated, and already in use, as public open space. Provision of the additional play equipment will clearly increase activity and associated noise around the application site. The proposed equipment is located between the existing play area to the east and the existing car park to the west and is therefore no closer to dwellings on Hall Lane or East

Terrace than the existing play equipment. The area is already enclosed by low level fencing and there are no plans to alter this. It is therefore considered that the additional noise and activity associated with the proposed development is unlikely to result in any material harm to residential amenity.

Background Papers

None