

Key Decision Required:	YES	In the Forward Plan:	YES
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CABINET

10 NOVEMBER 2017

REPORT OF ENVIRONMENT PORTFOLIO HOLDER

A.11 DESTINATION INCLUSIVE PLAY AREA, WALTON-ON-THE-NAZE

(Report prepared by Ian Taylor)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To seek approval for the installation of a destination, inclusive play area on the Bath House Meadow open space, Walton-on-the-Naze based on the design proposed by the selected contractor.
- b) Seek approval of the Heads of Terms for the Funding Agreement with Essex County Council and use of Section 106 contributions to deliver the project.
- c) Delegate further details to officers to facilitate the delivery of the foregoing.

EXECUTIVE SUMMARY

- The play area incorporates features intended to showcase the local area and is designed in such a way as to enable all children including those with mobility and other special needs to play and interact with each other.
- The project will also include the refurbishment of the existing play area on the site located on the public open space known locally as Bath House Meadow situated between the Naze Marine Holiday Park and the beach. The unique design and inclusivity of the play area will ensure the play area becomes a destination in its own right attracting visitors from both inside and outside of the District. The overall cost of the project estimated at £200,000 is to be funded by means of a grant of £100,000 from Essex County Council (ECC) Short Breaks for Disabled Children, £80,000 from section 106 contributions applicable to development in the Frinton and Walton area and a contribution of £20,000 from the play area budget.
- Tendring District Council has provisionally agreed the section 106 contribution subject to receipt of the grant from ECC.
- Short Breaks for Disabled Children is in addition to the grant also providing a portable Changing Place facility for the site which will considerably improve access to the play area and the adjacent seaside for children and adults who cannot use standard accessible toilets. This includes people with profound and multiple learning disabilities, as well as many other disabled people.
- The provision of such a facility in a tourist area is intended to compliment the Council's commitment to improving accessibility to all areas within the Public Realm and will also afford an opportunity for TDC to improve and regenerate the appearance of the existing site.
- A play area of this significance and design is anticipated to increase visitor

numbers to the District.

RECOMMENDATION(S)

That the Portfolio Holder approves

- a) the construction of a Play Area and portable Changing Place facility in Walton-on-the-Naze at the location, shown red, on the Plan attached as Appendix A to this report using a grant of £100,000 from Essex County Council, s106 contributions of up to £80,000 and £20,000 from existing play area budget.
- b) the heads of terms for the Funding Agreement negotiated by the Corporate Director (Operational Services) with Essex County Council, which are set out in Appendix B;
- c) the final Funding Agreement being completed in consultation with the Head of Governance and Legal Services.
- d) selection of Jupiter Play and Leisure for the design and construction of the Play Area following a competitive tender process under a framework agreement. The design and proposal is attached as Appendix C.
- e) the responsibility for the maintenance and security of the Play Area and Changing Places facility being incorporated into the Public Realm in-house service and the cost being met within existing budget and resources.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The recommendations if approved will contribute to the following corporate priorities:

Our Council / Our Community

- Deliver High Quality Affordable Services
- Make the most of our Assets
- Support the vulnerable
- Transform the way we work

Our Opportunities

Supports

- Vision for economic growth and prosperity
- Our Coast
- Tourism

Our Challenges

- Improving poor infrastructure
- Reducing budgets while delivering key services

Our Values

- Innovative, flexible professional staff committed to delivering excellence

FINANCE, OTHER RESOURCES AND RISK

The proposal if agreed will ensure the provision of high quality facilities available to local children, visitors and the most vulnerable members of the Tendring and wider community with no impact on existing budgets.

There are some implications for on-going future maintenance of the facilities but damage and wear and tear is likely to be minimal based on the design which is intended to be sufficiently robust and relatively maintenance free.

Inspections and maintenance of play areas have been carried out in-house since July 2017 and it is anticipated that all future maintenance requirements for the play area will be absorbed within existing arrangements in Public Realm at no extra cost.

There is a risk associated with non-insurance of the asset by the Council's insurers due to the exposed location and potential high premium associated with such cover.

The play area budget should be able to support replacement of most items damaged should the situation arise.

LEGAL

The land is owned by Tendring District Council and there are two restrictive covenants covering the site dating from 1930 and 1949. These restrictions prevent the erection and placing on the land swings and roundabouts of a musical and electrical nature. However, the land has been used for play equipment for many years and the proposals do not fall within the fair meaning of the restrictions. Indemnity insurance can be obtained to protect the Council against any future attempt to enforce the covenants however; the risk would appear to be minimal based on the existing use of the land.

The Funding Agreement specifically requires Tendring Council to obtain the necessary consents and comply with any pre-conditions. A Planning application has been submitted, which was covered by a previous decision made on 13 July 2017 and the Planning Committee granted permission for the proposals at its meeting on 6th September 2017.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district. The construction of a play area in Walton is for the benefit of the District and its visitors and there are no restrictions within the Council's legal title of this land.

The procurement process has been undertaken in accordance with the Council's Procurement Rules as set out in Part 5 of the Council's Constitution.

OTHER IMPLICATIONS

Consideration has been given to the implications of the recommendations proposed and any significant issues are set out below.

The proposals, if agreed, will support the Council's vision to put community leadership at the heart of everything it does, supporting the improvement of town centres, seafronts and Council assets in line with tourism and inward investment strategies and policies helping to reduce budgets while delivering key services.

Consultation/Public Engagement – The proposal if agreed will raise the profile of the Walton-on-the-Naze and Tendring generally both from within the District and extensively outside of it. Interest in such facilities is considerable. The open tender process for the design and construction required stakeholder engagement.

Crime and Disorder – Improving assets is part of a wider strategy to combat anti-social behaviour by improving the appearance of public realm, generating increased pride, awareness and responsibility for our District. There is a clear correlation between neat well managed assets and lower crime as opposed to poorly maintained assets.

Equality and Diversity / Health Inequalities – The proposal if agreed will support existing Council policies and further support the most vulnerable members of the community, raising the profile and reputation of the Council. The facility is designed to be fully inclusive for children with a range of physical disabilities.

Area or Ward affected – Walton-on-the-Naze. The project has the support of both local ward members.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Play serves children as a bridge to social situations and gives them an opportunity to learn the rules for getting along with others.

Play areas act as focal points for the community, providing a meeting area for children and parents alike. In an age when younger generations can appear more concerned with the latest technology than social interaction, the importance of playgrounds cannot be underestimated in bringing people together. They offer a place for children to play and forge new friendships, while ensuring they remain healthy and active.

Extending the scope of play areas to include all children and in particular those with special needs can only increase opportunities for the whole community and to broaden children's knowledge and experience.

The benefits of play to children both for their physical and mental health as well as their future emotional development are incalculable.

Play areas provide that platform as well as significant social benefits associated with the community gathering for a common purpose.

CURRENT POSITION

There are over sixty designated play areas with free access to the public across the District, the majority of which are provided by the District Council. The facilities range from general play equipment to skate parks.

There are no freely available play areas with equipment of sufficient size, originality and attractiveness to children to be regarded as destinations in their own right and fewer that could be considered inclusive to the extent whereby they can be used by all children, including those with mobility related and other special needs.

Essex County Council Children's Services, Short Breaks for Disabled Children have made available £100,000 towards the cost of providing a destination, inclusive play area in Tendring. They have also offered provision of a mobile / temporary Changing Place facility to support the needs of the play area.

Tendring District Council has agreed an allocation of up to £80,000 from s106 money towards this project subject to receipt of a further £100,000 contribution from Essex County Council. There remains a significant sum of over £45,000 for other general projects in the Frinton and Walton area as well as additional funds allocated to specific areas under the new rules governing use and allocation of s106 money.

An open tender for the design and construction of the play area has been completed and the contract for delivering the project has been awarded to Jupiter Play and Leisure, subject to funding.

It is anticipated that work will commence in early January 2018 with full completion of the overall scheme in place by Easter 2018.

OPTIONS CONSIDERED AND PROPOSAL

Location

The most suitable and appropriate location for the play area capable of delivering maximum benefit to all children including those with mobility and special needs was identified as Bath House Meadow, Walton-on-the-Naze.

This area is popular with visitors and located between the Naze Marine Holiday Park and the award winning Albion Beach area of Walton-on-the-Naze. The holiday park has a number of caravans available for families with disabled children including some owned by Essex County Council Children's Services.

The size of the open space within the Bath House Meadow, which also contains an existing play area capable of being refurbished and integrated into the overall project, along with extensive available car parking, public toilets, a recently refurbished swimming pool and local community centre on site made this location almost unique within the District in terms of fulfilling the overall aim of the project.

Proposal for Design

The proposal for the project was to create a play area that will attract visitors and showcase the local area.

Also to create a fully inclusive play space that ensures all children and young people are able to play and interact with each other in an open space environment promoting health and wellbeing as well as social engagement.

The proposal required the play area and open space to take into consideration children with mobility issues including wheelchair access as well as children with special educational needs who would benefit from sensory elements.

The new facility was required to be themed in a way that highlights and emphasises the character of the local area and which could also adapt and incorporate existing play equipment on site to maximum effect.

CONCLUSION AND WAY AHEAD

The introduction of this facility along with associated improvements to the existing public realm will attract a great deal of positive attention and will enhance the reputation of Walton-on-the-Naze as a tourist / visitor destination locally, regionally and nationally.

Improved access to the seaside, open spaces and general public realm provides significant benefits to families with disabled children (or adults) which in turn provides considerable benefit to the Council.

This project supports TDC tourism, inward investment and health and well-being strategies.

The project will enable the Council to refurbish and regenerate an existing leisure area which is currently under used, enhancing the local area.

The grant provided by Essex County Council Short Breaks for Disabled Children as well as provision of the new Changing Place facility along with use of existing funds available from local development set aside for this purpose means the project and associated benefits will be achieved at no direct cost to the Council.

APPENDICES

Appendix A – Site Location
Appendix B – Service Agreement
Appendix C – Design Proposal

BACKGROUND PAPERS FOR THE DECISION

None