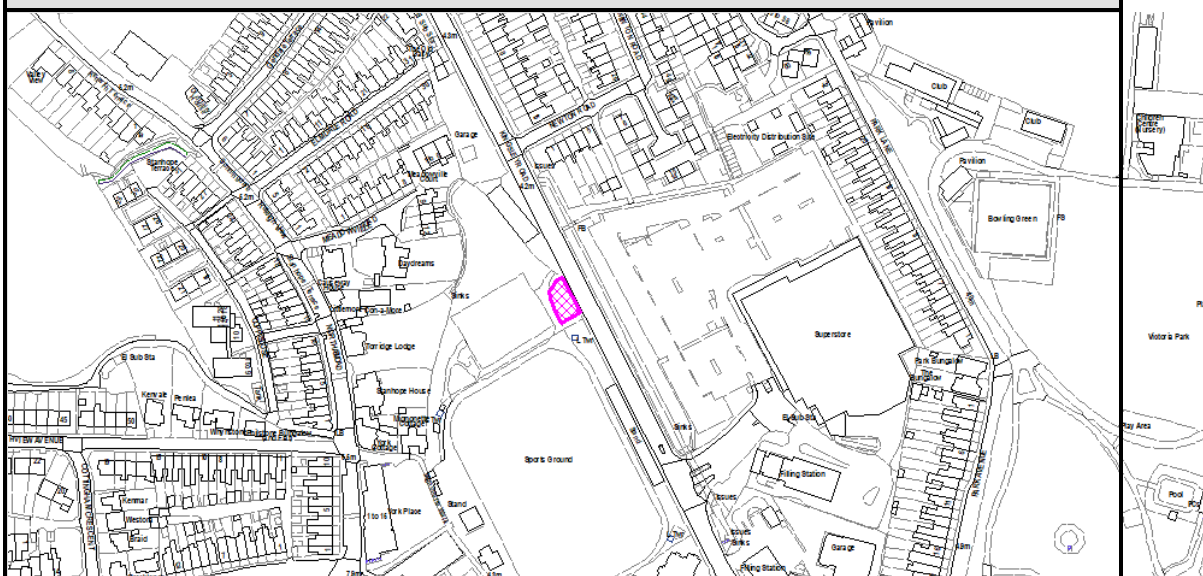


Committee Report – 7th October 2021

| | |
|----------------------------|--|
| Application Number: | 1/0630/2021/FUL |
| Registration date: | 23 June 2021 |
| Expiry date: | 18 August 2021 |
| Applicant: | Jurassic Fibre |
| Agent: | |
| Case Officer: | Sarah Boyle |
| Site Address: | The Sportsground, Kingsley Road, Bidford, Devon, |
| Proposal: | Creation of a compound to include a kiosk unit, concrete slab for placement and 1.8m high steel palisade perimeter fencing |
| Recommendation: | Grant |



Reason for referral:

The application has been brought to Committee as the proposed scheme is sited on land which is owned by Torridge District Council.

Relevant History:

| Application No. | Description | Status | Closed |
|------------------------|---|---------------|---------------|
| 1/2057/2001 | CREATION OF FLOODLIT MULTI-USE GAMES AREA WITH IMPROVED VEHICULAR/PEDESTRIAN ACCESS FROM KINGSLEY ROAD | PER | 15.01.2002 |
| 1/0301/1974 | CLUBHOUSE THE SPORTSGROUND, BIDEFORD | REC | |
| 1/0978/1981 | USE OF LAND AS A GREYHOUND RACING TRACK, THE FOOTBALL GROUND, KINGSLEY RD, BIDEFORD | PER | 17.09.1981 |
| 1/1217/1986 | RENEWAL OF CONSENT FOR GREYHOUND RACING TRACK | PER | 12.11.1986 |
| 1/1574/1990 | ERECTION OF 120 SEAT SPECTATOR STAND | PER | 19.11.1990 |
| 1/0198/2005/FUL | Retention of timber post and profiled steel clad perimeter security fence to football pitch to comply with Football Associations upgrading requirements | REF | 26.04.2005 |
| 1/0111/2008/ADV | Erection of sign board | INVAL | 11.02.2008 |
| 1/0552/2018/LA | Outline application for a concrete wheels park (all matters reserved except access and landscaping). | NPW | 18.06.2018 |
| 1/0628/2018/LA | Development of concrete wheels park, with associated access, landscaping and hard surfacing. | PER | 09.08.2018 |
| 1/0042/2019/DIS | Discharge of conditions 3, 4, 8 and 14 of planning permission 1/0628/2018/LA | PER | 13.03.2019 |
| 1/0819/2019/LA | Erection of a 12 metre CCTV system | NPW | 07.10.2019 |
| 1/0967/2019/LA | Erection of CCTV mast and camera at Wheels Park | PER | 17.01.2020 |
| 1/0415/2021/LA | Installation of a storage | WDN | 19.05.2021 |

container for maintenance
equipment

Site Description & Proposal

Site Description

The application site is located in Bideford which is designated as a strategic centre in the North Devon and Torridge Local Plan. The site is a parcel of unutilised verge adjacent to Bideford Skate Park. It is surrounded by a mix of residential, commercial, and recreational facilities. It is accessed via a pedestrian entrance which leads on to a pedestrian pavement which runs alongside a classified highway. The land the proposal is to be situated on is owned by Torridge District Council.

Proposed Development

The application is seeking permission to install a compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 m high steel palisade perimeter fencing.

The kiosk unit will measure 2.2m x 3.2m and will have a height of 2.35m. It will be constructed of powder coated steel (green) and will be on a concrete slab. There will be a galvanised powder coated steel (green) power post unit measuring 1120x800x380mm and will be placed on a concrete slab. In addition, there will be an operative gate and the compound will be bounded by a 1.8m high steel palisade (green) perimeter fencing. In total the compound will measure 6.2m x 4.2m.

The proposed scheme will be situated on a parcel of unutilised verge adjacent to Bideford Skate Park. The proposal will be against an existing boundary fence and will not detract from the current setting of the area.

Consultee representations:

Bideford Parish/Town Council:

RESOLVED: That the application is approved.

Property Services:

No comments received

Devon County Council - Flood Risk Management:

Thank you for your e-mail.

We continually receive a high volume of consultation requests for major planning applications as well as a considerable number of additional minor applications.

Please note that we are not a statutory consultee for minor planning applications. However, where Planning Case Officers have specific concerns with a surface water drainage proposal on a minor planning application, we may be able to provide some advice, depending on our current workload and priorities.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system. If we have been consulted in error, we would be equally grateful if you could let us know.

Conservation Officer:

No comments received

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections.

Representations:

| | | | |
|-------------------------------------|---|------------------------------------|---|
| Number of neighbours consulted: | 1 | Number of letters of support: | 0 |
| Number of representations received: | 0 | Number of neutral representations: | 0 |
| Number of objection letters: | 0 | | |

No representations have been received for the application.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); DM11A (Telecommunications); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); DM05 (Highways); DM06 (Parking Provision); ST03 (Adapting to Climate Change and Strengthening Resilience);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main planning considerations for this application are:

1. Principle of Development
2. Impact on Character and Appearance
3. Impact on Neighbouring Amenity
4. Ecology
5. Highways
6. Critical Drainage Area
7. Conclusion

1. Principle of Development

The application site is located within the development boundary of Northam which is designated as a main centre; therefore, Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST06 states that the main centres will support appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of the surrounding communities where such is sought through local vision.

Alongside policy ST06, Policy DM11A: Telecommunications states:

Proposals for new or upgraded telecommunications equipment and installations will be permitted (where planning permission or 'prior approval' is required) where:

- (a) the telecommunications equipment and installation would not have a significant adverse effect on its landscape setting, landscape character, heritage and visual amenity by reason of its siting and design or as a result of cumulative impact with nearby development;
- (b) opportunities have been sought to share masts or sites with other providers and, where appropriate, the erection of antennae on existing buildings or other structures; and
- (c) the proposal conforms to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast/site.

The application is seeking permission to install a compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 m high steel palisade perimeter fencing. The proposed scheme will enable the operator to introduce ultrafast fibre broadband with Fibre to the Premises (FTTP) connections, which promise to offer high download speeds and faster connections by delivering fibre straight to the community of Bideford.

The temporary element of the proposal is in relation to the kiosk unit being moveable from the site when required. It has been confirmed that the initial agreement is for 15 years with the expectation to renew the agreement as it is considered that the infrastructure would still be required to provide a service to Bideford.

This development is considered to be appropriate for the site it will be located in and will enable a community and improvement to their telecommunications in terms of broadband. Therefore, the proposal accords with Policy ST06 and Policy DM11A and is acceptable in principle, subject to other policy considerations.

2. Impact on Character and Appearance

Policies ST04 (improving the quality of development) and DM04 (design considerations) of the NDTLP, requires new developments to be of high quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

The application is seeking permission to install a compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and 1.8 m high steel palisade perimeter fencing.

The kiosk unit will measure 2.2m x 3.2m and will have a height of 2.35m. It will be constructed of powder coated steel (green) and will be on a concrete slab. There will be a galvanised powder coated steel (green) power post unit measuring 1120x800x380mm and will be placed on a concrete slab. In addition, there will be an operative gate and the compound will be bounded by a 1.8m high steel palisade (green) perimeter fencing. In total the compound will measure 6.2m x 4.2m.

The proposed scheme will be situated on a parcel of unutilised verge adjacent to Bideford Skate Park. The proposal will be against an existing boundary fence and will not detract from the current setting of the area.

Taking the above into account, the proposed scheme complies with policies ST04 and DM04 of the NDTLP.

3. Impact on Amenity

Policy DM01 of the North Devon and Torridge Local Plan relates to amenity considerations and notes, development will be supported where:

- a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
- b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

No representations have been received for the application. The site is surrounded by a mix of residential, commercial and recreational facilities. Considering the form of development proposed, it is considered that it would not significantly harm the amenities of any neighbouring occupiers or uses. Therefore, the application complies with policy DM01 of the NDTLP.

4. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the NDTLP through Policies DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

As the application involves works to the roof a wildlife trigger list and an wildlife statement has been submitted for the application and after assessing the information it is considered that the proposal complies with Policies DM08 and ST14 of the NDTLP.

5. Highways

Paragraph 110 of the National Planning Policy Framework indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:

- (1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

There are no alterations proposed to the existing access on site and it has been noted that the site equipment during the site works will be removed at night. In light of the above it is considered that the development accords with policies DM05 and DM06 of the NDTLP.

6. Critical Drainage Area

Policy ST03: Adapting to Climate Change and Strengthening Resilience requires that development adopts effective water management and sustainable drainage systems.

Consideration has been given to the fact that the site is located within Flood Zone 2 and 3 and is part of the Bideford CDA, however due to the level of development and the precautions on site where the external ground within the compound will be finished in chippings in order to disperse the rainwater. Furthermore, Devon County Council Flood Risk Management have been consulted and they have responded by categorising the development as a minor development and to only be contacted if the Planning Officer has concerns. After assessing the plans and information submitted it is considered that the size and form of development would not result in a significant risk to flooding within the Critical Drainage Area of Bideford.

7. Conclusion

The proposed development is considered to result in an acceptable impact on the character and appearance of the surrounding area and would not result in a harmful impact on the amenities of neighbouring occupiers. In addition, the development would not result in a harmful impact on protected species. Considering the above, the application complies with the policies outlined in the North Devon and Torridge Local Plan.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

Plans Schedule

| Reference | Received |
|-------------|------------|
| JFL 108.101 | 01.06.2021 |
| JFL 108.102 | 23.06.2021 |
| JFL.108.001 | 23.06.2021 |
| JFL.108.002 | 23.06.2021 |
| JFL.108.003 | 01.06.2021 |

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required clarification on a couple of points following the consultation process. These were clarified by the Agent and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.