

Committee Report – 2nd November 2023

Application Number: 1/0793/2023/LA

Registration date: 12 September 2023

Expiry date: 7 November 2023

Applicant: Torridge District Council

Agent:

Case Officer: Kristian Evely

Site Address: Victoria Park,
Kingsley Road,
Bideford,
Devon,
EX39 2QQ,

Proposal: Replacement play equipment

Recommendation: Grant



Reason for referral:

The application is on Torridge District Council land.

Relevant History:

Application No.	Description	Status	Closed
1/1874/2002	ERECTION OF NEW TWO STOREY PARK BUILDING TO ACCOMMODATE PUBLIC TOILETS, CHANGING FACILITIES, OFFICES AND KIOSK	PER	16.07.2003

Site Description & Proposal

Site description:

The site relates to an existing play facility within Victoria Park, Bideford. Victoria Park is a large leisure attraction/area of public open space, which is centrally located within the town. The wider park contains a pool, playing fields, monument, café/gallery, play equipment, bowling green, and landscaping/planting. There is a large car park to the east of the site, and the town centre is to the south. The nearest dwellings to the site are 125 metres to the west, and Bideford Rugby Club is to the north. The site itself contains existing play equipment which is coming to its sell by date.

Proposed Development

The application seeks full planning permission for the replacement of the existing play equipment, as part of a wider play park replacement. The large majority of equipment within the new play park would not require express planning permission and benefits from permitted development by virtue of Part 12 (Development by Local Authorities) of the General Permitted Development Order.

Nonetheless, the 'Ocean Giant XL' multi-unit does require planning permission due to its height of 8.9 metres. Thus, this application seeks planning permission for the Ocean Giant XL, which is a closed sided tower containing a variety of equipment and play activities, including two slides, a fireman pole, tactile elements, climbing walls and ladders etc.

Consultee representations:

Bideford Town Council:

28.09.2023 -

RESOLVED: That the application is approved.

Environmental Protection Officer:

13.09.2023 -

The Environmental Protection Team has no objections.

The Environment Agency:

19.09.2023 -

We have no objection to this development.

We request to be re-consulted should the applicant propose any land raising within the proposed site.

Representations:

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

None received on date of officer report.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); BID (Bideford Spatial Vision and Development Strategy); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); ST22 (Community Services and Facilities); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM10 (Green Infrastructure Provision); DM17 (Tourism and Leisure Attractions);

Government Guidance:

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

Planning Considerations

Main Planning Considerations

1. Principle of Development
2. Landscape, Character and Appearance
3. Neighbouring Impact
4. Environmental Impact
5. Ecology
6. Flood
7. Highways

1. Principle of Development

1.1. The site is located in the Bideford, therefore; Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST06 identifies Bideford as a Strategic Centre and is generally supportive of development which assists the town in meeting its own needs as identified by the town's spatial vision. Policy BID relates to Bideford's Spatial Vision and Development Strategy and is supportive of public realm and leisure enhancements.

1.2. Policy DM17: Tourism and Leisure Attractions and Policy ST22: Community Services and Facilities, requires the improvement of existing community attraction facilities to meet the needs of local communities that does not harm the character of the area and the amenities of the surrounding uses whilst providing public accessibility. Furthermore, Policy DM10: Green Infrastructure Provision, is required to be considered within the principle of development to ensure that the proposed development provides new accessible green infrastructure, including public open space and built facilities, to meet at least the green infrastructure quantitative and accessibility standards.

1.3. In this case the proposal relates to an item of play equipment which is part of a plan to replace and improve the existing park facilities. It is accepted that the existing park facilities are poor when considering the strategic importance of the park, and that the play equipment (as part of a wider scheme) will go a long way to improving the parks play facilities and attraction.

1.4. Thus, it is considered that the principle of development is acceptable and the proposed development accords with Policies ST06, BID, ST22, DM10 and DM17.

2. Landscape, Character and Appearance

2.1. Policy ST04: Improving the Quality of Development, Policy DM04: Design Principles and Policy DM08A of the NDTLP require development to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Development must be a part of a clear process that responds to a site. Development must be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the locality and reinforce the key characteristics and special qualities of the area in which the development is proposed, contribute positively to local distinctiveness and sense of place and retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area.

2.2. The proposal will appear as a piece of play equipment as part of the wider park. The equipment will not look out of place, and if anything, the replacement of the existing facilities which in some circumstances are dilapidated will improve the character and appearance of the area. Overall, it is considered that the proposed development is in accordance with the above policies ST04, DM04 and DM08A.

3. Neighbouring Impact

3.1. Policy DM01 of the NDTLP states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or the future occupiers of the proposed development.

3.2. The site is well distanced from any residential dwelling. In addition, the site is already a play park. Thus, it is considered that the development will not result in any amenity harm to any neighbouring dwellings. Policy DM01 is satisfied.

4. Environmental Impact

4.1. Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere.

4.2. As a part of the application the Council's Environmental Protection team were consulted however no objections were raised in relation to the proposed development. Therefore, it is considered that the proposed development will not result in any significant environmental disturbance and harm in terms of noise, ground and water quality. Therefore, it is considered that the proposed development accords with Policy DM02.

5. Ecology

5.1. 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).

5.2. This is further reinforced within the NDTLP through Policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.

5.3. A Wildlife Trigger List was submitted with this application, which indicates that a wildlife survey is not necessary. The Planning Officer has visited site, and it is considered unlikely that there would be any ecological impacts associated with this scheme. It is thereby considered that the local planning authority has satisfied its statutory duty and that the proposed development is in accordance with Policies DM08A and ST14.

6. Flood

6.1. NDTLP Policy ST03 requires developments to minimise flood risk and vulnerability to people. This development is in an area of flood risk (Flood Zone 3 and Critical Drainage Area). The development itself is replacing an existing structure and facilities and is considered to be a 'less

vulnerable' form of development due to its use as a play park. The Environment Agency were consulted on the scheme and raise no objections to the development. Overall, the proposal is acceptable regarding flooding.

7. Highways

7.1. Paragraph 111 of the NPPF advises 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.

7.2. Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

7.3. Policy DM05 of the NDTLP relates to highways and states:

(1) All development must ensure the safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

(2) All development shall protect and enhance public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

7.4. In addition to this, Policy DM06 of the NDTLP relates to parking provision.

7.5. In this case the proposal is likely to have a neutral impact on highways and parking bearing in mind the existing use of the site as a park, and the large car park adjacent.

8. Conclusion

8.1. In conclusion the proposed development is acceptable in principle and would not cause any harm to the character and appearance of the area, neighbouring amenity, highways, or ecology. In addition, the proposal is acceptable regarding flood risk. Therefore, the proposal would be in accordance with the NDTLP Policies ST03, ST04, ST06, ST22, ST14, DM01, DM04, DM08, DM10, DM08A and DM17.

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
Location Plan	10.08.2023
Block Plan	10.08.2023
Elevation Drawings	10.08.2023

Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.