

Committee Report – 5th of December 2024

Application Number: 1/0774/2024/FUL

Registration date: 12 September 2024

Expiry date: 7 November 2024

Applicant: Mr Mark Ellis

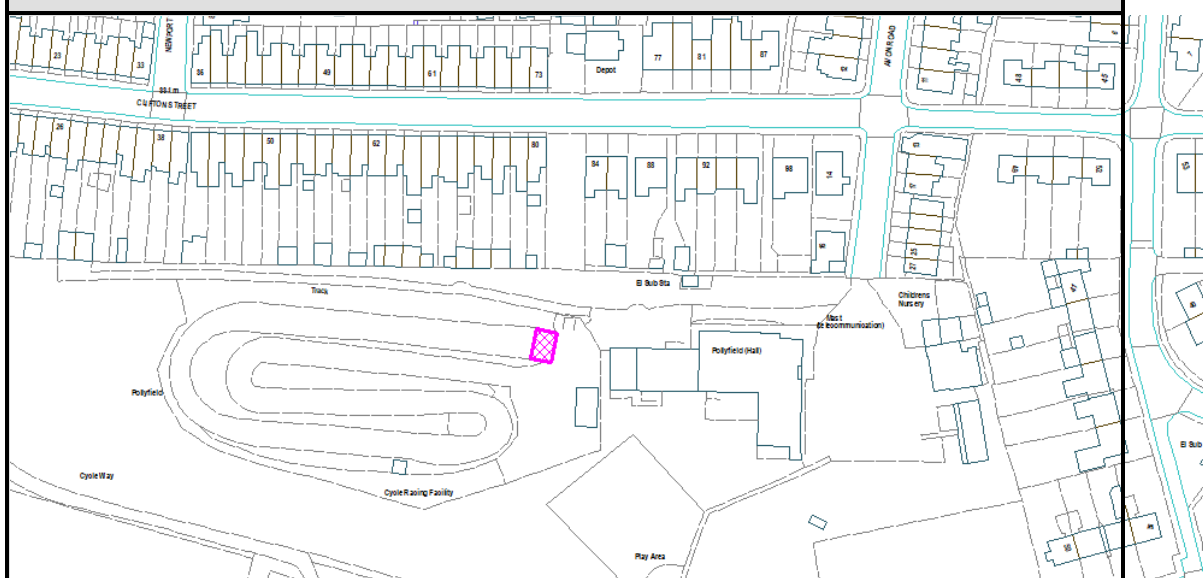
Agent:

Case Officer: Angelo Massos

Site Address: Bideford BMX Club,
Bideford BMX Clubhouse,
Avon Road,
Bideford,
Devon,
EX39 4BL

Proposal: Proposed start hill hut

Recommendation: Grant



Reason for referral:

This application site is owned by Torridge District Council and therefore has to be determined by Planning Committee.

Relevant History:

Application No.	Description	Status	Closed
1/0359/2016/FUL	New building for use as Bideford BMX clubhouse	PER	11.05.2017

Site Description & Proposal

Site Description

The site is known as the Bideford BMX Club and is located in East of the Water at Pollyfield. The site is situated on land owned by Torridge District Council and comprises a BMX track that is utilised by club members only. The site contains facilities including a track of a national standard and a clubhouse with changing facilities and associated ancillary structures and car parking. To the north of the site are residential dwellings along Clifton Street which are situated approximately 40 metres from the site.

Proposed Development

The application seeks full planning permission for the erection of a start hill hut to provide shelter from the exposed elements and improve the safety of riders. The proposed start hut will measure approximately 9.5 metres in length and 5 metres in width, with a height to the eaves of 2.5 metres and the overall height would be 3.45 metres. The roof design would be a mono-pitch.

Consultee representations:

Bideford Parish/Town Council:

RESOLVED: That the application is approved.

Property Services:

No representations received.

South West Water:

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Representations:

Number of neighbours consulted:	7	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations received.

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); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); ST22 (Community Services and Facilities); DM01 (Amenity Considerations); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character);

Government Guidance:

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

Planning Considerations

The main planning considerations are as follows:

1. **Principle of Development**
2. **Character and Appearance**
3. **Neighbouring Amenity**
4. **Highways and Parking**
5. **Ecology**
6. **Drainage**
7. **Conclusion**

1. Principle of Development

This application is located within the development boundary of Bideford, a Strategic Centre as identified within North Devon and Torridge Local Plan (NDTLP) Policy ST06 (Spatial Development Strategy for Northern Devon's Subregional, Strategic and Main Centres). The policy states that Bideford will seek to promote sustainable development opportunities to increase self-containment and achieve balanced development to enable the town to meet its own housing and economic needs and those of the surrounding area. This enquiry seeks the proposed erection of a start hill hut to improve the existing facilities in operation at the BMX track. Given the BMX use already exists and is well established, and that the site is located within the development boundary of Bideford, the principle of development is considered acceptable.

NDTLP Policy ST22 (1) allows improvements to existing community facilities that meet the needs of local communities where (a) it does not harm the character of the area and the amenities of surrounding uses; (b) it is well related to public transport infrastructure, where possible, and is accessible by walking or cycling; and (c) it can be accessed without generating unacceptable levels of traffic on the local road network and/or reducing highway safety. Notwithstanding the user restrictions at the site; the facility can be described as a community facility for sport and recreation and therefore the proposed works are acceptable in principle. Matters (a), (b) and (c) of this policy are considered below.

The proposal would result in social benefits through the continued and enhanced provision of a recreational facility for use by the wider community. In terms of character and appearance, the scale of the proposal is considered to have limited harm to the wider and immediate landscape character as the site is read in context with the immediate built form of Pollyfield. Thus, is likely to accord with part (a) of Policy ST22. The proposed nature of the proposed development is considered ancillary to the existing operational use of the BMX track and thus is considered to have a negligible impact in terms of accessibility via sustainable modes of transport and highway safety (parts (b) and (c) of Policy ST22.)

2. Design and impact on Character

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 follow a clear process that responds to a site context. Development must be appropriate and sympathetic to its setting 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. It should 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.

The scale of the proposal is considered to have limited harm to the wider and immediate landscape character and is read within the setting of the surrounding built form of Pollyfield. The proposed development's scale, design and external finishing materials to be used would be in keeping with the character, appearance and setting of the wider community facility and surrounding urban setting.

Therefore, the proposal is considered to accord with the above policies.

3. Residential Amenity

NDTLP Policy DM01 states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses, and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

During the consultation, Bideford Town Council provided comments recommending approval of the application, additionally, no third party representations were received. The proposed scale and nature of the development is considered unlikely to result in any significant amenity harm to the neighbouring dwellings given the proposal will be of an ancillary nature to the existing BMX track facility. Furthermore, the proposal will have approximately a 40-metre separation distance from the dwellings along Clifton Street.

In light of the above, the proposed scale and location of the development would not cause significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, loss of daylight or sunlight. Therefore, the proposal accords with Policy DM01.

4. Highways and Parking

Policy ST10 of the NDTLP seeks to ensure that development proposals would not adversely impact local or strategic transport networks. Policies DM05 and DM06 of the NDTLP expect that all development must ensure safe and well-designed vehicular access, the protection and enhancement of existing pedestrian routes, and an acceptable range of parking provision.

The BMX track, located at Pollyfield, is served by an existing access and parking facilities. The proposed start hill hut is not expected to increase any pressure on these facilities, and as such the scheme is considered to accord with NDTLP Policies ST22 (1) (b and c), ST10, DM05 and DM06.

5. 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 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.

A Wildlife Trigger List was submitted which confirmed there would not be harm to protected species. Furthermore, the scale of development is deemed exempt and below a de minimis threshold. Therefore, the proposal accords with Policies ST14 and DM08.

6. Drainage

Policy ST03 requires that development should be designed to adopt effective water management whilst Policy DM04 establishes that water management must be addressed by development. Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere.

South West Water were consulted and required a surface water strategy to be submitted to mitigate the additional run-off associated from the proposal. Within the existing site a soakaway is already installed to attenuate surface water run-off from the BMX track. The Applicant has subsequently submitted additional information to demonstrate a water butt will be installed to attenuate the additional run-off from the site. The water attenuated within the water butt will subsequently discharge into the existing soakaway.

The proposal is considered to provide an appropriate and proportionate provision for the management of surface water in this instance and as such the proposal accords with Policies ST03, DM02 and DM04.

7. Conclusion

In conclusion, the proposed development would not cause significant harm to the character and appearance of the existing site or wider landscape; amenity; highways; surface water flooding; and ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST03, ST04, ST06, ST14, ST22, DM01, DM04, DM05, DM06, DM08 and DM08A.

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	12.09.2024
Proposed Elevations & Floor Plans	04.09.2024
Revised Block Plan	18.10.2024

Informatives

01. Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite

habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

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.