



Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No: 75407
Application Type: Full application
Application Expiry: 7 October 2022
Extension of Time Expiry: 7 October 2022
Publicity Expiry: 28 September 2022
Parish/Ward: FREMINGTON/BICKINGTON
Location: Queen Elizabeth II Playing Field
Tews Lane
Bickington
Devon

Proposal: Installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths
Agent: Fremington Parish Council
Applicant: Fremington Parish Council
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee – North Devon Council own the land

Site Description

Queen Elizabeth II Playing Field is located within Bickington on the west side of Tews Lane. The site is neighboured by residential dwelling to the north and south, the highway to the east and open fields to the west.

Recommendation

Approved
Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
34086	Erection of sports pavilion together with sports pitches, access & car parking & associated landscaping (amended plans) at, land Pt OS 1575, Tews Lane, Bickington, Barnstaple, EX31 3XL	Full Planning Approval	25 March 2003

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Critical Drainage Area	Within constraint
Historic Landfill Buffer	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Unclassified Road	
Within 50m of Adopted New or Upgraded Road: BAR03 Tews Lane, Roundswell	16.80
Within Adopted Sports Hub: Tews Lane, Roundswell	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

Consultees

Name	Comment
Councillor H Walker	no comments received
Councillor J Cann	no comments received
Councillor W Topps	no comments received
Designing Out Crime Officer	Re Installation of multi-use games area (MUGA) and associated works to include new Agriflex footpaths at Queen Elizabeth II Playing Field Tews Lane Bickington Devon - 25th August 2022

Name	Comment
Reply Received 25 August 2022	Thank you for this application, having spoken at length with the facility provider, tk play, I have no objections in principle from a designing out crime and anti-social behaviour perspective to the proposal.
Environment Agency	no comments received
Environmental Health Manager Reply Received 30 August 2022	<p>Flood Lighting</p> <p>i note the planning Statement confirms that no flood lighting is proposed for the MUGA. I suggest any future proposal to install flood lights should require the prior approval of the LPA. This would provide an opportunity to consider any potential for noise associated with use of the MUGA after dark to affect residential neighbours.</p> <p>I have no objection to permission being granted.</p>
Open Space Officer Reply Received 23 August 2022	We support this application as it will provide an all weather sports facility that will be free to use for the residents in this area.
Sport England Reply Received 18 August 2022	<p>Thank you for consulting Sport England on the above application.</p> <p>Sport England - Statutory Role and Policy</p> <p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.</p> <p>Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 99), and against its own playing fields policy, which states:</p> <p>'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:</p> <ul style="list-style-type: none"> • all or any part of a playing field, or • land which has been used as a playing field and remains undeveloped, or • land allocated for use as a playing field <p>unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'</p>

Name	Comment
	<p>Sport England's Playing Fields Policy and Guidance document can be viewed via this link</p> <p>The Proposal and Impact on Playing Field</p> <p>We have sought views from the Football Foundation (FF) have no objection to the proposal. They advise that they have no concerns over the MUGA location as this is sited outside of the fenced playing field area so will not affect the ability to retain the current pitches. The FF have no comments on the design of the MUGA. The facility could host informal football use but would not meet any standards for match play due to the hard tarmac surface.</p> <p>Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 (E3) of our playing fields policy, in that:</p> <p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • reduce the size of any playing pitch • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site. <p>The project also has the potential to broadly meet exception 5 (E5)</p> <p>The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.</p> <p>Summary This being the case, Sport England does not wish to raise an objection to this application.</p> <p>If you would like any further information or advice please contact the undersigned at the address below.</p>
Sustainability Officer	no comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
1	0.00	0.00	0.00	0.00

J, Ellmore - received 24/09/22

- surprised this is being proposed as in 2012-2014 the Outdoor Gym from the Cedar Grove Field had to be removed. which was heavily opposed by the local Residents Association but proposal went ahead with the result of complaints of noise and vandalism. This Gym was removed which restored peace at night and stopped the vandalism.

- the risk of noise and disruption overnight to houses nearby as well as the risk of vandalism similar to that experienced at Rooks Close

- proposal will inevitably produce an increase in traffic on Tews Lane. The speed at which cars travel along this Road have already caused near misses with pedestrians.

Considerations

Proposal Description

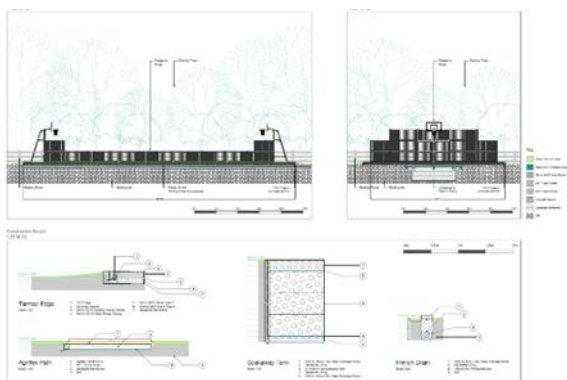
This application seeks detailed planning permission for the installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths



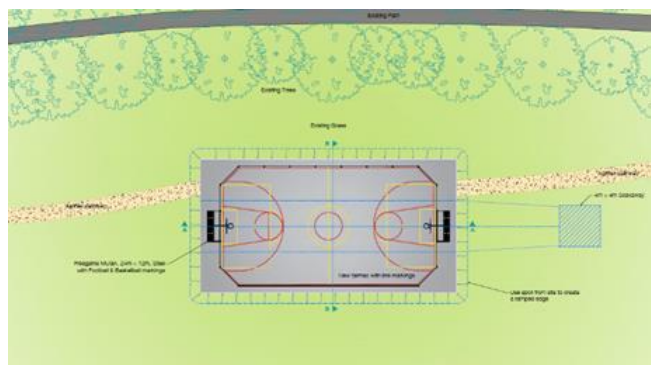
Site photo



Site photo



Proposed sections



Proposed layout of MUGA

Planning Considerations Summary

- Principle of Development
- Design
- Amenity
- Ecology
- Flood Risk and Drainage
- Highways and Parking

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan (NDTLP). The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of Development

The principle of development should be considered under Policy ST22 of the NDTLP which is copied below:

'Policy ST22: Community Services and Facilities

(1) Development of new, or extensions or improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined settlements and Rural Settlements where:

(a) it does not harm the character of the area and the amenities of the 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.'

Fremington Parish Council have been provided Section 106 monies to provide the Community of Fremington Parish Council with a Multi-Use Games Area (MUGA). The proposed development would increase the leisure and sporting facilities within Bickington for local sport teams and local residents to use. The principle of development is acceptable and support would be dependent on the proposals compliance with relevant development management polices detailed below.

Design

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

The proposed MUGA would be situated in the open field area of the site adjacent to the tree line facing the highway. The development would measure approx. 25m by 12.4m. The proposed development is considered appropriate in scale for the proposed uses and will be screened from the highway by the existing tree line. As such, the proposal is considered to comply with DM04.

Amenity

Policy DM01 (Amenity Considerations) of the NDTLP states 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.

One letter of representation has been received. Comments relate to a previous community development that has since been removed at Cedar Grove Fields due to noise and vandalism as well as the potential increase in traffic.

The proposed development would be situated within Queen Elizabeth II Playing Field to the west of Tews Lane. The proposed MUGA would be situated near the eastern boundary and would be screened from the residential dwellings east of Tews Lane.

The proposed development would not result in any overlooking or overbearing implications. The proposed development does not include the installation of flood lights so there are no lighting spill concerns. As the site is an existing playing field with a football pitch it is not considered that the proposed development would result in a significant increase in noise. Therefore, the proposed development is considered to comply with DM01.

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 2017 (Habitats Regulations 2017).

Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Given the information received, the proposed development would impact on any protected species or their habitats and is in accordance with DM08.

Flood Risk and Drainage

The site is partially located within a Flood Zone 2 and is located within a Critical Drainage Area. Therefore, flooding and surface water drainage are considered to be constraints. As a result, the proposed development would include the installation of a French Drain system into a soakaway south of the proposed MUGA. As such this would comply with Policies ST02 and DM04 of the NDTLP.

Highways and Parking

Policy DM05 (Highways) of the NDTLP states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The Local Highway Authority have commented that the application should be considered using Standing Advice. The proposed development would not impact on the safety or function of the local road network and would not impact on the parking provisions for the

site as the proposal would utilise the existing site access and parking. The proposal is considered to comply with DM05 and DM06.

Conclusion

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not 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 requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

NDC001 Location Plan received on the 01/06/22

NDC002 Block Plan received on the 01/06/22

1085-0567 01.1 Layout received on the 01/06/22

1085-0567 01.12 Section Details received on the 21/07/22

1085-0567 01.1 Dimensioned Plan received on the 01/06/22

('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:
Multi-Use Games Area - tarmac footprint
Footpath - agri-flex path

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. No lighting shall be installed at the site without the further grant of planning permission.

Reason:

To protect neighbouring amenity and ecological interests in accordance with Policies DM01, DM02, DM08 and ST14 of the North Devon and Torridge Local Plan.

Informatives

1. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included design and amenity.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>

END OF REPORT