



Application Report

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

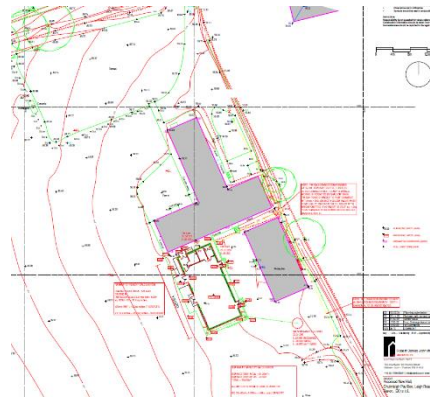
Application No:	78282
Application Type:	Variation of Condition(s)
Application Expiry:	5 April 2024
Extension of Time Expiry:	
Publicity Expiry:	21 March 2024
Parish/Ward:	CHULMLEIGH / CHULMLEIGH
Location:	Chulmleigh Playing Field Leigh Road Chulmleigh Devon EX18 7JL
Proposal:	Variation of condition 2 (approved plans) attached to planning permission 74049 (Erection of second village hall and youth club building) to improve & rationalise the design
Agent:	Kevin Davies
Applicant:	Chulmleigh Playing Fields Association
Planning Case Officer:	Mrs D. Butler
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – Councillor Davies is the agent for the application.

Site Description

The site is a playing field to the east of Chulmleigh and contains a parking area, pavilion, play area and sports pitch. To the rear of the pavilion is a temporary structure which was granted permission in 2013 and will need to be removed by 2023. This structure is used as a changing room, meeting room and store. . The land is relatively level with hedges and trees along the field boundaries. There is open countryside to the south and west with housing along the eastern boundary.



Location Plan



Block Plan

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
18224	PROPOSED ERECTION OF CHANGING ROOMS & HALL (RENEWAL OF PLAN PER 10133). at CHULMLEIGH PLAYNG FIELD, LEIGH ROAD, CHULMLEIGH, EX18 7JL	FULL PLANNING APPROVAL	2 March 1994
21720	PROPOSED ERECTION OF 6 NO. POSTS AND FLOODLIGHTS FOR FOOTBALL PITCH at CHULMLEIGH PLAYING FIELD, LEIGH ROAD, CHULMLEIGH, EX187JL	FULL PLANNING APPROVAL	2 April 1996
24326	PROPOSED EXTENSION TO EXISTING PAVILION TOGETHER WITH FORMATION OF 3 NO. TENNIS COURTS AND BOWLING GREEN at CHULMLEIGH PLAYING FIELD, LEIGH ROAD, CHULMLEIGH, EX187JL	FULL PLANNING APPROVAL	10 December 1997
35204	EXTENSION TO EXISTING PAVILION TOGETHER WITH FORMATION OF 3 NO. TENNIS COURTS & BOWLING GREEN at CHULMLEIGH PLAYING FIELDS, LEIGH ROAD, CHULMLEIGH, EX187JL	FULL PLANNING APPROVAL	3 July 2003
45065	INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS TO ROOF at THE PAVILION, CHULMLEIGH PLAYINGS FIELD, LEIGH ROAD, CHULMLEIGH, EX187JL	FULL PLANNING APPROVAL	20 September 2007
55659	ERECTION OF ONE TEMPORARY BUILDING TO PROVIDE CHANGING ROOMS, MEETING ROOM & STORE at	FULL PLANNING APPROVAL	18 June 2013

Reference Number	Proposal	Decision	Decision Date
	CHULMLEIGH PAVILLION (CHULMLEIGH PLAYING FIELD), LEIGH ROAD, , CHULMLEIGH, DEVON, EX18 7JL		
61592	ERECTION OF A LIGHTING COLUMN TO ILLUMINATE LANDING SITE FOR EMERGENCY HELICOPTER at CHULMLEIGH PLAYING FIELD, LEIGH ROAD, , CHULMLEIGH, , DEVON,	FULL PLANNING APPROVAL	7 October 2016
74049	Erection of second village hall & youth club building at The Pavillion Chulmleigh Playing Field Leigh Road Chulmleigh Devon EX18 7JL	Approved	14 December 2021

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: DARTRIDGE WOOD Ancient & Semi-Natural Woodland	391.63
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character ST01 - Principles of Sustainable Development ST22 - Community Services and Facilities	

Consultees

Name	Comment
Chulmleigh Parish Council Reply Received 7 March 2024	Chulmleigh Parish Council wishes to recommend approval of this application.
Councillor K Davies Reply Received	No comments received as Cllr Davies is the agent.

Neighbours / Interested Parties

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

No representations received.

Considerations

Proposal Description

This application seeks the variation of condition 2 (approved plans) attached to planning permission 74049 (Erection of second village hall and youth club building) to improve & rationalise the design.

Detailed planning permission for the erection of a second village hall & youth club building was approved under application 74049 in December 2021. These works have not yet been started.



Existing buildings on the site



Site of new building to be in front of Porta-cabin



View towards car park, access and Leigh Road



Wider viewpoints from across the playing fields to the countryside

Planning Considerations Summary

- Principle of the development
- Design
- Amenity
- Landscape and setting
- Biodiversity and ecology
- 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. The relevant Policies are detailed above.

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

Principle of the development

Policy ST22 supports the development of new, extensions or 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 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.

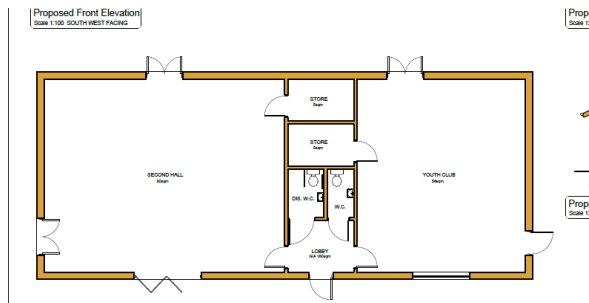
The playing fields are directly adjoining the development boundary and are within a walkable distance into the village centre and public amenities such as transport and shops. The principle of the development has already been accepted through the previous permission. There has not been any material change to the planning policies since then which would prevent the development being acceptable.

Design

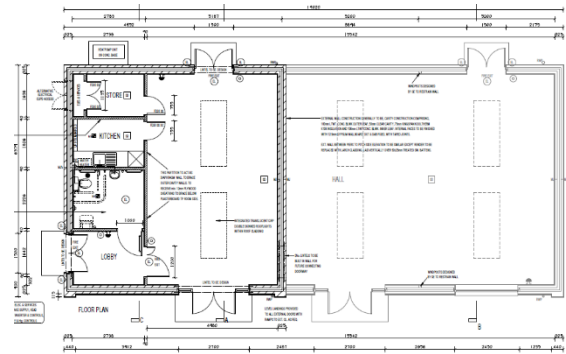
The proposed variation is for an alteration to design. Part 12 of the framework promotes the creation of high quality buildings and good design and this is reiterated through design

policies ST04 and DM04 of the NDTLP where development must be of appropriate scale and of sympathetic character to the existing settlement and to the existing buildings.

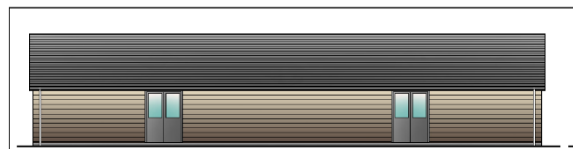
The plans below show the alterations proposed:



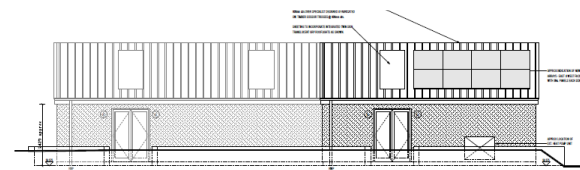
Approved Floor Plan



Proposed Floor Plan



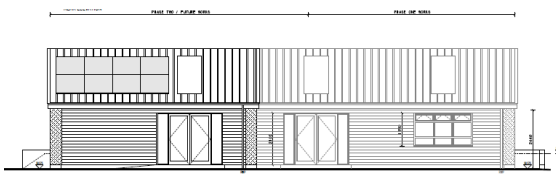
Approved rear elevation (NE)



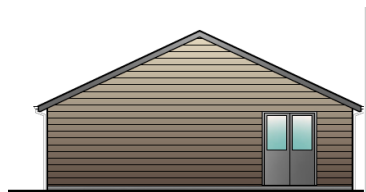
Proposed rear elevation (NE)



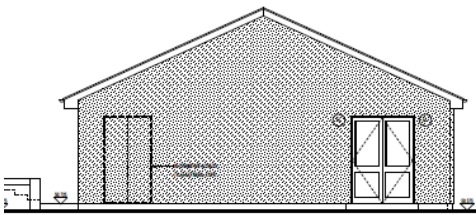
Approved front elevation (SW)



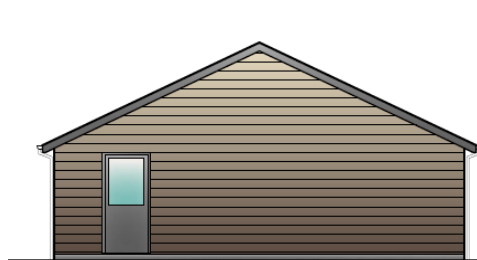
Proposed front elevation (SW)



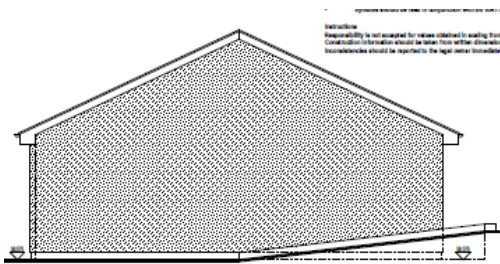
Approved side elevation (NW)



Proposed side elevation (NW)



Approved side elevation (SE)



Proposed side elevation (SE)

As demonstrated the proposed alterations are minimal. The general bulk and scale of the building will remain as approved with a single storey structure and pitched roof. There will be new rooflights and some changes to the doors which will accommodate the new floor layout. The changes will also allow for the incorporation of solar panels on the roof. The external materials will be altered with the end and rear elevations being rendered, painted off-white and a slate grey metal sheeted roof.

There is already one timber building on site with a portacabin style structure adjacent to it. The proposed building would reflect the design, scale and character of the existing buildings on site.

It is not considered there would be any resulting harm from the design changes proposed.

Amenity

Policies DM01 and DM04 seek to protect the amenities of any neighbouring properties or the future occupiers of the development. The building will be sited adjacent to the Pavilion and near to the existing temporary meeting room. There will be a larger separation distance from the boundary and neighbouring properties when compared to the existing meeting room and no additional impact on the amenity of the neighbours.

Landscape

DM08A (Landscape and Seascape Character) states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. There are some views from across the wider landscape to the south however any views would see the building within the context of the existing playing fields and structures. There would not be any further impact on the character of the wider landscape than that from the approved scheme.

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).

Paragraph 175 of the framework and policy DM08 of the NDTLP state that adverse impact on protected species should be avoided where possible and sufficient mitigation used. The wildlife trigger list does not generate the need for a wildlife survey. The land is a grassed field that is already used for recreational and community uses. There would not be any impact on the boundary hedges and trees. The ecological value of the land is therefore likely to be relatively low with a minimal impact from the development.

Flood Risk and Drainage

The site is not in an area of flood risk and run of will connect to a soakaway. Foul drainage will be connected to the existing system.

Highways

Policy DM05 of the NDTLP states that all development must ensure safe vehicular access and protects all users of the highway. The site will utilise the existing access which has adequate visibility for vehicles entering and leaving the site. The variation does not result in any changes to the access.

Conclusion

The proposed design changes to the approved scheme would not result in any significant additional impact or harm to the setting and character of the wider area and amenity. The development would still provide an additional community facility which is supported. 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 14th December 2021 on which planning permission 74049 was 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:

2752 RDJWL 01 XX DR A 0021 Site and Drainage Plan received on the 08/02/24

2752 RDJWL ZZ DR A 0025C2 Sections and Floor Proposed received on the 08/02/24

2752 RDJWL 01 ZZ DR A 0026C2 Elevation and Foundation Layout Proposed received on the 08/02/24

('the approved plans').

And 2113 21 001 Location Block Plan (approved as part of 74049)

Reason:

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

3. The materials used in any exterior wall and roof must be of a similar appearance to those used in the exterior of the existing pavilion.

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.

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 consideration of design, siting, impact on the wider area, amenity, ecology and consultation comments received.