

App. No.: **65904** Reg. : **05/12/18** Applicant: **NORTH DEVON COUNCIL**  
L. Bldg. : Expired: **30/01/2019** Agent :  
Parish : **BARNSTAPLE**  
Case Officer : **Mr M Brown**

Proposal: **INSTALLATION OF STONE PATH & TIMBER POST & RAIL FENCE**  
Location: **JORDAN CLOSE, BARNSTAPLE EX32 9DN**

## **PROPOSAL**

Installation of stone path & timber post & rail fence on land abutting Jordan Close play area, Newport, Barnstaple.

## **RECOMMENDATION**

APPROVE

## **SITE AND SURROUNDINGS**

The planning application site is located to the west of the Jordan Close play area. An existing hedge separates the application site from the play park. The play park is at a lower level than the application site. To the west of the application site is an area of residential parking and further to the west is the housing of Jordan Close. The site currently comprises of grass and there is an access through a hedge onto a path just prior to the southern end of the play area.

## **REASON FOR REPORT TO MEMBERS**

The applicant is North Devon Council and the site is on Council maintained land.

## **POLICY CONTEXT**

The North Devon and Torridge Local Plan has recently been adopted and the following policies are relevant:

North Devon and Torridge Local Plan (2011 – 2031)

DM01 – Design

DM04 – Amenity

DM05 – Highway safety

ST14 – Enhancing Environmental Assets

ST03 – Adapting to Climate Change and Strengthening Resilience

The National Planning Policy Framework is a material consideration.

## **CONSULTEE RESPONSES**

Town Council – Comments awaited.

DCC Highways – No objection

## **REPRESENTATIONS**

At the time of preparing this report 0 letters of representation have been received relating to the application.

## **PLANNING HISTORY**

No relevant planning history.

## **SUMMARY OF ISSUES**

- Design
- Amenity
- Highway safety
- Enhancing Environmental Assets
- Flood Risk

## **PLANNING CONSIDERATIONS**

By way of background. The adjacent play area has been used as a cut through to Tesco's, including dog walkers. This has led to dog fouling and dog waste in the bin as well as clashes between people using the play area and dog walkers (dogs are banned in NDC play areas). Extra barriers and signing has been put in place to discourage the use. The applicant has advised that this has worked well, but walkers are using the grass area (the area the subject of this application) to get to the path at the end of the play area which is becoming wet and muddy in bad weather. Hence this application.

The path is separated from nearby housing by a parking court and ultimately it should reduce community conflict. As such no unacceptable amenity impacts are identified.

The design of the scheme will not be out of place in such an urban context.

The path will remain separated from vehicular movements as such it is considered acceptable in highway safety terms and will also improve connectivity overall.

Given the urbanised and closely mown nature of the site no unacceptable impact on protected species is identified. Furthermore, keeping more people to a formalised path should reduce any ecological impacts currently experienced, through walkers not keeping to an identified area.

No increased flood risk is anticipated due to the construction methods proposed and as any additional run off will be directed to a permeable surface.

## **CONCLUSION**

The proposal should reduce community conflict and improve safety with minimal impact on the area as outlined above. The proposal is therefore considered to accord with the development plan with public benefit outweighing any harm. Approval of the application is therefore recommended.

## **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

## **DETAILS OF RECOMMENDATION**

APPROVE subject to the following planning 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 plans submitted as part of the application, numbers NDC001, NDC003, NDC004, NDC005 and received on 5 December 2018, ('the approved plans').

Reason:

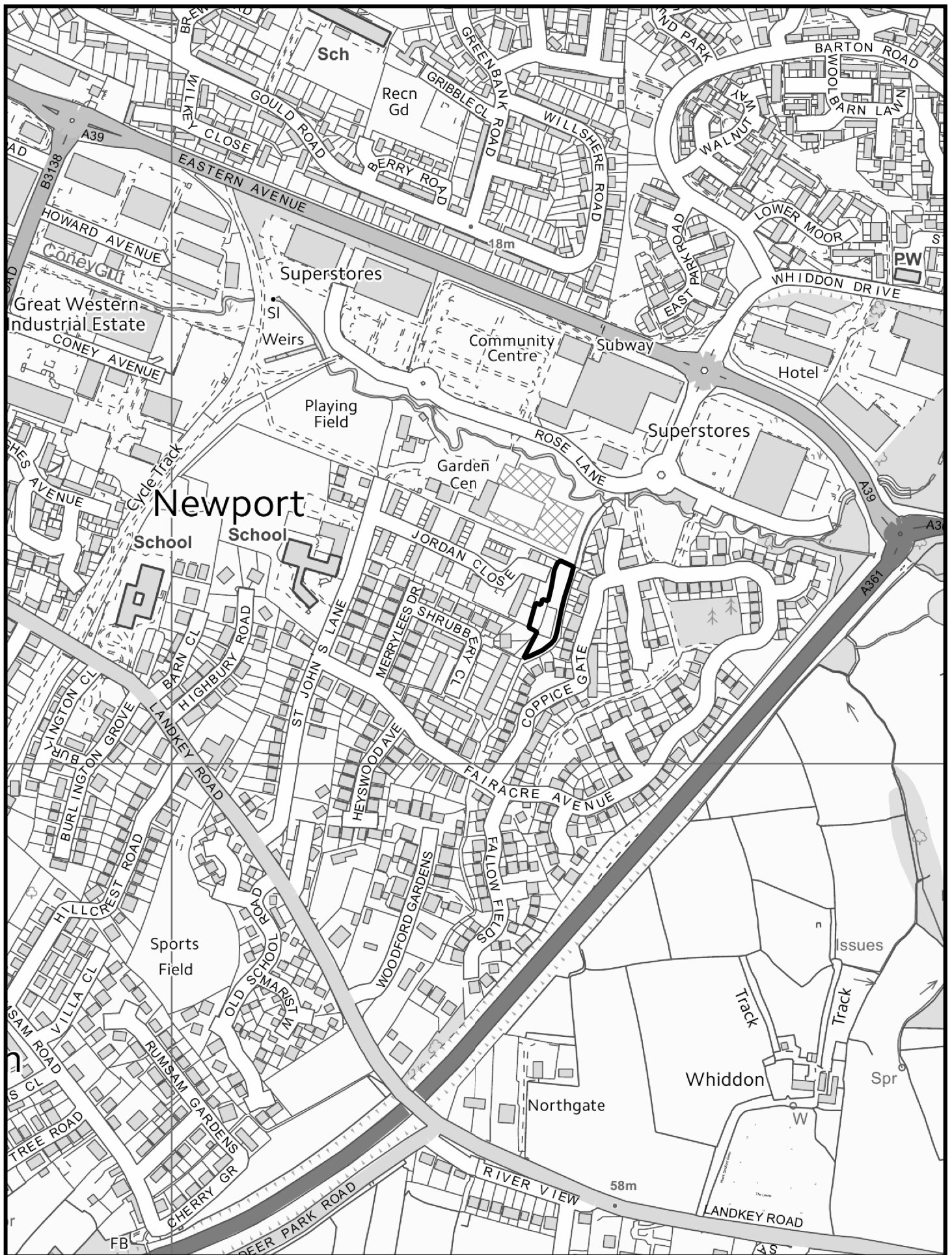
To confirm the drawings to which the permission relates and to ensure the development accords with the approved plans.

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, amenity, highway safety, environmental assets and flood risk.

## **INSERT(S) TO FOLLOW OVERLEAF**

1. OS Location Plan



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

## 65904 - Jordan Close, Barnstaple

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Committee Report

Scale: 1:5000  
Date: 13th February 2019