

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Totnes **Ward:** Totnes

Application No: 1957/16/FUL

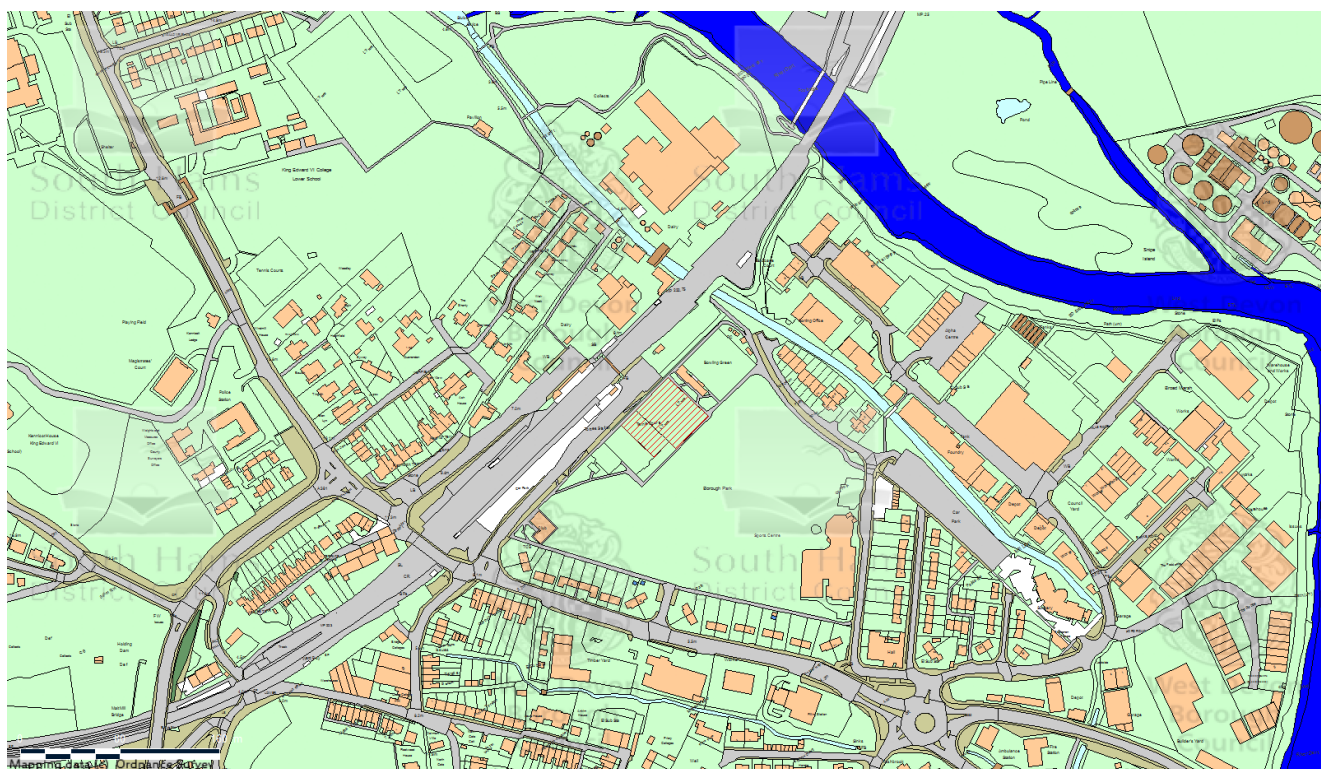
Agent/Applicant:

South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

Site Address: Borough Park, Borough Park Road, Totnes, Devon

Development: Additional ball stop fence to top of existing fence between existing multi use games area and existing tennis court

Reason item is being put before Committee: The application has been submitted by SHDC who are also the landowner.



Recommendation: Conditional approval

Conditions (worded in full at the end of this report)

1. Time limit
2. Accord with plans

Key issues for consideration:

Impact on local facility, visual impact.

Site Description:

The site is situated on the north western side of Borough Park, which is itself close to the centre of Totnes between Totnes Station and the Pavilion. The area subject of this application lies within the existing sports courts to the south west of the Bowling Green.

The Proposal:

Permission is sought to construct a ball stop net above the existing fence between the MUGA (Multi Use Games Area) court (which lies at the southern end of the sports court area), and tennis court 4. The overall height of the fence once constructed would be 6 metres.

Whilst the development would be carried out by SHDC, the proposal requires planning permission as the height of the development exceeds 4 metres (and it is not therefore permitted development under Part 12 (Development by local authorities) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Consultations:

- County Highways Authority – No highway related issues
- Totnes Town Council – No objections

Representations:

No letters of representation from third parties have been received.

Relevant Planning History

- 56/2038/13/F: Retrospective application for retention of skate park lighting, Borough Park Borough Park Road Totnes. Conditional approval: 01 Nov 13
- 56/2674/12/F: Full planning application for erection of additional ball stop fence and installation of additional lighting to existing Multi Use Games Area - REGULATION 3 LPA OWN DEVELOPMENT. Borough Park Borough Park Road Totnes Devon.
- Conditional approval: 28 Jan 13
- 56/1112/94/10: Construction of additional tennis court, Regulation 3, LPA own development, Chief Executive delegated authority dated 26th. July, 1994, Adj.to existing tennis courts Borough Park Totnes. Conditional approval: 08 Sep 94

ANALYSIS

Principle of Development/Sustainability:

The principle of additional sports-related development within an established recreational area raises no objection.

Design/Visual impact:

The proposed development would not appear out of keeping to the existing recreational facilities at Borough Park and would enhance the existing facility from a user perspective. There clearly be public views of the development from within the park, but no visual harm would arise. There is a bank of mature trees between Borough Park and Totnes Station which would limit views from this side.

Heritage:

The application has been advertised as affecting the setting of a listed building. Totnes Pumping Station lies to the north west of the application site beyond the railway line and is Grade II listed, as is the Signal Box Café. Given the scale and nature of development proposed and location on the opposite side of the railway line to these buildings, there would be no harm to their historic setting arising from the development.

Neighbour Amenity:

There are no residential properties within the immediate vicinity of the site.

Highways/Access:

No issues raised.

Other Matters:

The application has been advertised as affected a Public Right of Way. There is a PROW along the north western edge of the sports courts which would not be substantively affected by the proposed development.

The Planning Balance:

The proposal accords with the relevant development plan policies and there are no other planning reasons why permission should be withheld.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking
DP9 Local Facilities

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions in full:

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: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers Location Plan, Proposed extension to Fence between Muga and Tennis court 4 and Design and Access Statement received by the Local Planning Authority on 5th August 2016.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.