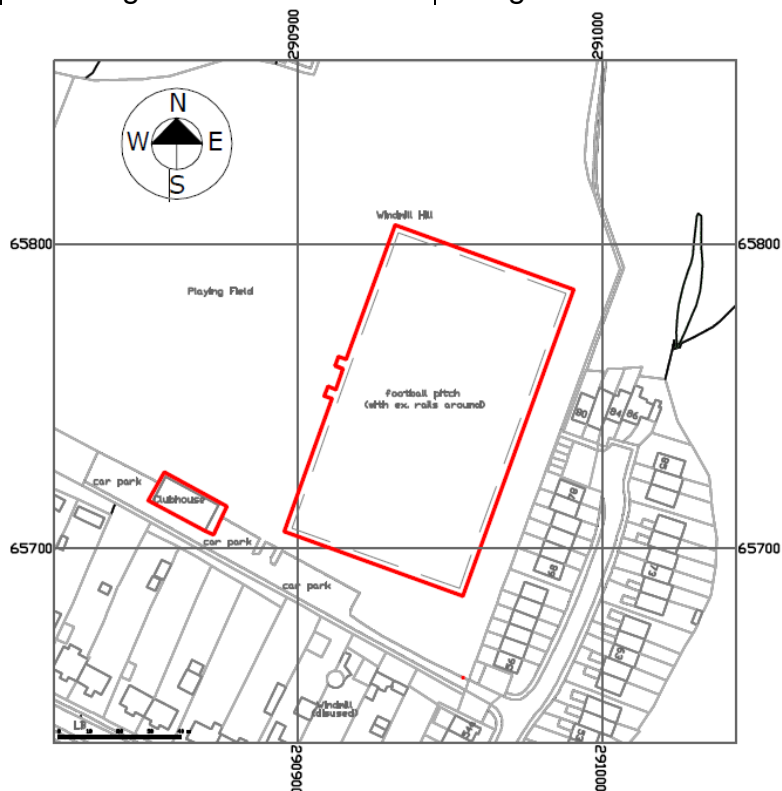


TORBAY COUNCIL

Application Site Address	Windmill Hill Sports Field Higher Audley Avenue Torquay TQ2 7PG
Proposal	Installation of dug-outs on football pitch.
Application Number	P/2020/0541
Applicant	Mr K Aplin, Walden Athletic Community Sports Club
Agent	RGS Architectural Design Consultants Ltd.
Date Application Valid	25.08.2020
Decision Due date	20.10.2020
Extension of Time Date	
Recommendation	That Planning Permission be granted, subject to the conditions detailed below, and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	In accordance with the Council's constitution, which states that an application pertaining to land that is registered as a Torbay Council asset and to which one or more objections have been received, must be referred to the Planning Committee for determination.
Planning Case Officer	Craig Davies



LOCATION PLAN
scale 1:2500

Site Details

The site comprises the football pitch and clubhouse at Windmill Hill Sports Field, an area of public open space accessed from Higher Audley Road.

In terms of the designations within the Torbay Local Plan, the site forms part of the Hele Woods/Windmill Hill Woods Urban Landscape Protection Area and is located within a Community Investment Area. In addition, the land to the north of the site is designated as an 'Other Site of Wildlife Interest'.

In terms of the designations within the Torquay Neighbourhood Plan, the site forms part of the Windmill Hill Playing Fields Local Green Space

Date of officer site visit: 09.09.2020.

Description of Development

The proposal is for the addition of two 'dug-out' structures on the western side of the football pitch on either side of the halfway line. The proposed structures would comprise of a powder-coated white aluminium frame, shatterproof perspex sheeting, and a timber bench, and would have a width of approximately 3m, a depth of approximately 1.2m, and a height of approximately 2.1m.

It should be noted that these structures are currently in use but are stored in a shipping container at Windmill Hill Sports Field and are carried into place for matches before being put away again after matches. The proposal is for these structures to be fixed in position at the side of the football pitch.

Pre-Application Enquiry

None sought.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice

Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

- P/1980/2223: Changing Rooms (Hut). Approved 27.11.1980.
- P/1982/1024: Formation Of Sports Ground. Approved 13.07.1982.
- P/1985/3522: Retention Of Changing Rooms. Approved 24.04.1986.
- P/1986/2638: Erection Of A Sports Pavilion And The Provision Of Car Parking Areas. Approved 26.03.1987.
- P/1989/0483: Erection Of Sports Pavilion. Approved 19.04.1989.
- P/1993/1487: Cellnet Base Station Comprising 30m High Tower With Aerials; Single Storey Equipment Building And Security Fencing. Refused 04.01.1994.
- P/1994/0194: Cellnet Base Station Comprising 30m High Tower With Aerials, Single Storey Equipment Building And Security Fencing. Refused 11.07.1994.
- P/2013/0312: Extensions & Alterations to existing sports pavilion (readvertised 7 December 2016). Refused 13.01.2017.
- P/2017/0012: Extend wall, to include door at north elevation, infilling existing covered area, installation of security cameras to south, east and west elevations. Approved 04.05.2017.

Summary of Representations

4 objections (representing 3 properties) were received in which the following matters were raised:

- Contrary to the lease agreement which precludes alterations.
- Anti-social behaviour.

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No comments received.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Neighbouring Amenity
4. Impact on Highways
5. Impact on Ecology
6. Impact on Flood Risk and Drainage

1. Principle of Development

Policy SC1 of the Local Plan seeks, amongst other things, to promote healthy, safe and active living for all age groups. Policy SC2 of the Local Plan seeks, amongst other things, to improve access to sport, leisure and recreation facilities, particularly in locations that are accessible, subject to compliance with other policies in the Development Plan including those relating to residential amenity. The proposal would be a small scale improvement of the facilities for the football club that currently leases the site. The proposal is considered to be in accordance with Policies SC1 and SC2 of the Local Plan.

Policy TE2 of the Neighbourhood Plan states that, in areas designated as Local Green Space, development is ruled out other than in very special circumstances for which one of the examples given is minor improvements to facilities that support their use for public recreation or amateur sports. Policy TSL3 of the Neighbourhood Plan seeks to retain existing playing fields and sports fields. The proposal, which would improve the facilities supporting the use of the site for amateur football, is considered to be in accordance with Policies TE2 and TSL3 of the Neighbourhood Plan.

There are no Development Plan policies indicating that the proposal is not acceptable in principle.

With regard to the objectors' statement that the proposal is contrary to the lease agreement which precludes alterations, it is noteworthy that Torbay Council's Head of Assets & Facilities Management has indicated that the lease agreement allows alterations subject to the prior written consent of the landlord (Torbay Council), which has been provided. However this is not a material planning consideration.

2. Impact on Visual Character

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings. Policy C5 of the Local Plan states, amongst other things, that development within Urban Landscape Protection Areas (ULPAs) will only be permitted where it does not undermine the value of the ULPA as an open or landscaped feature within the urban area.

Given its siting, scale and design, it is considered that the proposal would not result in any unacceptable harm to the character or visual amenities of the locality or to the

value of the ULPA as an open or landscaped feature. The proposed structures would be relatively small in size and would be lightweight additions predominantly comprising of visually permeable Perspex set within an aluminium frame. Given that the site has a visual character of being used for amateur sport and recreation (due to the presence of the goals, the football pitch markings, the railing around the football pitch, and the clubhouse and changing rooms), it is considered that the proposal would not alter the character of the site. A condition is proposed requiring the removal of the structures in the event that the site ceased to be used for amateur sport.

Subject to the said condition, the proposal is considered to be in accordance with Policies DE1 and C5 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Neighbouring Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours in terms of their privacy, outlook, or access to natural light. The proposal is for lightweight structures that would be sited around 70m away from the nearest residential properties which are to the southeast and southwest of the site.

With regard to the objectors' concerns that the addition of the proposed structures could give rise to their use for anti-social behaviour, it should be noted that the site forms part of an area of public open space that is available for public use for various forms of sport and recreation, all of which would have varying degrees of impact with respect to noise and neighbouring amenity. The proposed structures would facilitate the use of the site for amateur football, and the impact of this use with respect to neighbouring amenity is considered to be acceptable. While it is acknowledged that the proposed structures could potentially be misused for purposes other than that which is intended, any disturbance or anti-social behaviour arising from the misuse of the proposed structures (or indeed of the public open space as a whole) would be a policing matter that would need to be raised with the relevant authorities (Devon & Cornwall Police and/or Torbay Council's Anti-Social Behaviour Team), as well as being a civil matter that would need to be raised with the operators of the site and/or the landlord. (In this regard it is noted that Torbay Council's Head of Assets & Facilities Management has indicated that, in the event that anti-social behaviour became an issue, Torbay Council who are the landlords may require the tenant to remove the said structures.) Given that there is existing legislation and reporting procedures in place that would control anti-social behaviour in the event that this issue were to arise, it is considered that this matter would not constitute a reason for refusal of the application.

The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highways

Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development.

While it is noted that the incremental upgrading of sports facilities can result in an increase in the intensity of use of an area of public open space which can in turn increase pressures with respect to parking and access, in this instance it is considered that the small scale and minor nature of the proposed additions would not give rise to any additional highways impact.

The proposal is considered to be in accordance with Policies TA2 and TA3 of the Local Plan.

5. Impact on Ecology

Given that the proposed structures would be sited on a grassed area adjacent to a football pitch with no impact on any trees or shrubs, it is considered that the proposal would not result in any notable ecological impact. The proposal is considered to be in accordance with Policy NC1 of the Local Plan which seeks to preserve Torbay's biodiversity.

6. Impact on Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. Given the nature of the proposal, and having regard to the adopted Drainage Standing Advice, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

There are no adverse economic impacts that would arise from this development and the proposal is considered to be neutral with respect to the economy.

The Social Role

The proposal would improve the public facilities for amateur football at the site thereby giving rise to social benefits in the form of recreation and the promotion of healthy and active living. Impacts on neighbour amenity have been discussed above where it is concluded that the proposal would not result in any unacceptable impact, noting that existing legislation and reporting procedures exist for dealing with any anti-social behaviour that may have the potential to arise due to the misuse of the proposed structures. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

The proposal would not result in any notable ecological impact. It is noteworthy that the proposal would involve the reuse of existing structures that are already used for matches at the site (being carried into position before and after matches) and would not require any significant additional manufacturing. The proposal is considered to be neutral with respect to the environment.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106: Not applicable.

CIL: Not applicable.

EIA/HRA

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme accords with the Development Plan aspirations to improve health and well-being and to retain and improve facilities for sports and recreation, and that the proposal would not result in any unacceptable harm.

Conclusions and Reasons for Decision

It is considered that the proposal is acceptable in principle, and would not result in unacceptable harm to visual amenities, neighbouring amenities, highways, ecology, and flood risk. The proposal is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission be granted, subject to the condition detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Temporary

In the event that the site ceases to be leased for the purposes of the playing of sport, the structures hereby approved shall have been permanently removed and the land made good (including completing any necessary landscaping works and/or planting) to the satisfaction of the Local Planning Authority within 6 months of the cessation of the said lease, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of this area of public open space, and in accordance with Policies DE1 and C5 of the Adopted Torbay Local Plan 2012-2030 and Policies TH8 and TE2 of the Torquay Neighbourhood Plan.

Relevant Policies

Torbay Local Plan:

C5 – Urban Landscape Protection Areas

DE1 – Design

DE3 – Development Amenity

TA2 – Development Access

TA3 – Parking Requirements

NC1 – Biodiversity and Geodiversity

ER1 – Flood Risk

SS3 – Presumption In Favour Of Sustainable Development

Torquay Neighbourhood Plan:

TE2 – Local Green Space

TSL3 – Sport and Leisure – Sports Grounds and Facilities

TH8 – Established Architecture