

COMMITTEE REPORT

Case Officer: Clare Stewart

Parish: Totnes

Ward: Totnes

Application No: 3855/23/CLP

Applicant: Mr Rob Sekula
South Hams District Council
Follaton House
Plymouth Rd, Totnes
TQ9 5NE

Agent:

Site Address: Totnes Skatepark



Development:

Application for a Lawful Development Certificate for removal of existing modular steel skatepark ramps and construction of a new spray concrete skatepark on part of the existing site with an extension.

Reason item is before Committee:

SHDC is the Applicant and Landowner.

Recommendation: Certificate of Lawfulness (Proposed) Certified

Key issues for consideration:

Whether or not the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore permitted development.

Site Description:

The site is located within Totnes at Borough Park, lies immediately to the south west of Totnes train station. There is a tree line between the station and park area, beyond which lies a bowling green tennis courts and existing skate park facility with open space beyond. Access to the site is via Station Road.

The existing skate park comprises several ramps within a hard surfaced area.

The Proposal:

The application seeks the issue of a lawful development certificate to certify that a proposed development can be carried out without planning permission (ie. it benefits from deemed permission by virtue of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 12 relates to development by local authorities.

The proposal would involve the removal of existing skate ramp features, extension to the existing footprint of the skate park and new ramps. The maximum height of the development would not exceed 4m and it would not exceed 200 cubic metres in volume.

Consultations:

No consultations required for this type of application.

Representations:

None received.

Relevant Planning History

- 0267/21/FUL Replacement of existing skatepark with new, enlarged skatepark. Withdrawn
- 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.
- 56/0404/09/F Erection of timber deck, balustrade and floodlights

- 56/1799/09/F Erection of timber decking and balustrade and erection of 2no. floodlights - resubmission of 56/0404/09/F

ANALYSIS

1. Principle of Development

1.1 The Council is required to determine whether the proposed works constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The above allows for the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—
(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;
(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

1.3 The following interpretation within the Order is also of relevance:

“A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

1.4 Based on the submitted plans the proposal would be development permitted under Part 12 and would not exceed the thresholds. No Article 4 directions (which can remove permitted development rights) have been identified.

2. Conclusion

2.1 Based on the information submitted, the proposal is considered to be permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development can therefore proceed without further reference to the Council as Local Planning Authority.

This application has been considered in accordance with Section 192 of the Town and Country Planning Act 1990.

Planning Policy

The application requires a legal determination of whether the proposed development is permitted development. It is therefore not necessary to consider the planning merits of the application.

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.