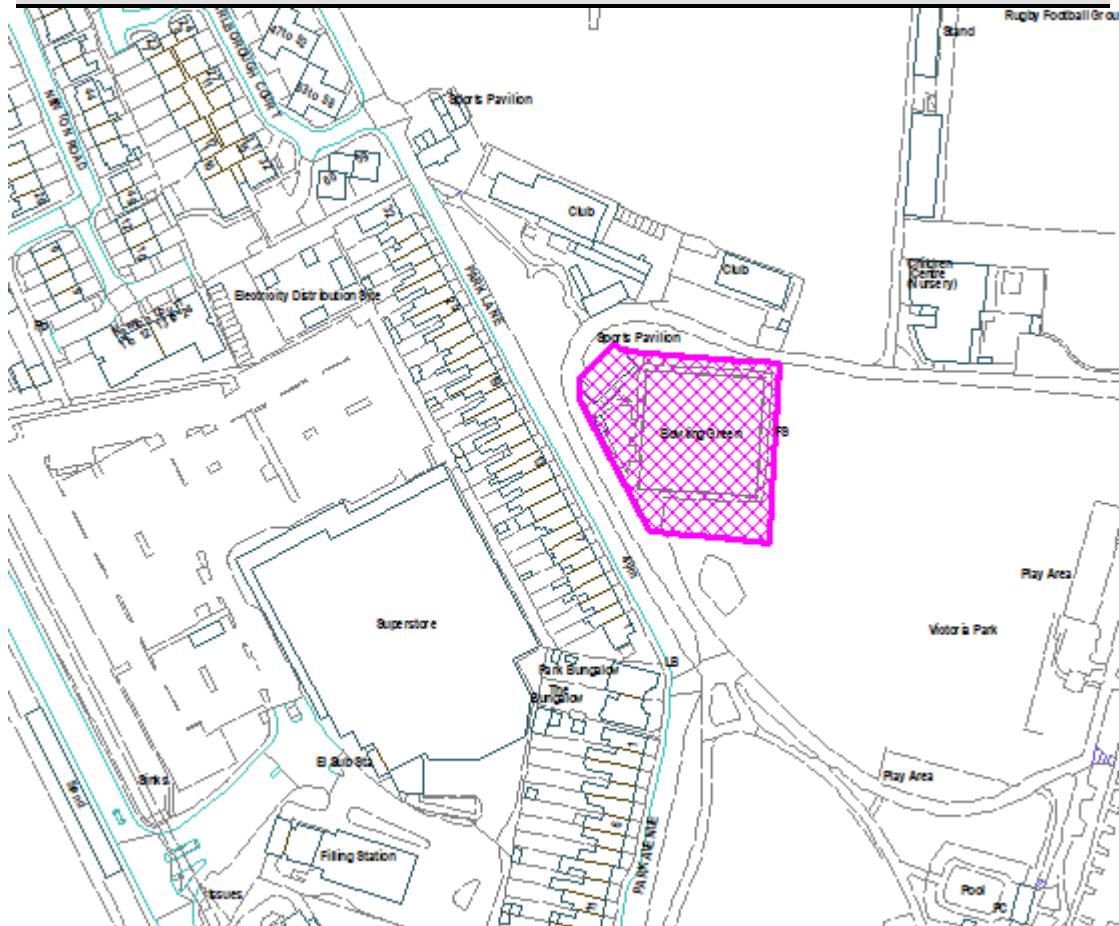


Committee Report – 16.01.2025

Application Number:	1/0978/2024/FUL
Registration date:	27 November 2024
Expiry date:	22 January 2025
Applicant:	Bideford Victoria Park Bowling Club
Agent:	
Case Officer:	Mary-Ellen Whalley
Site Address:	Bideford Victoria Park Bowling Club, Park Lane, Bideford, Devon, EX39 2QL,
Proposal:	Installation of two changing room facilities and re-location of existing shed
Recommendation:	Grant



Reason for referral:

This application site is owned by Torridge District Council and therefore has to be determined by Planning Committee.

Relevant History:

Application No.	Description	Status	Closed
1/1112/1990	EXTENSION TO BOWLING CLUBHOUSE	PER	15.08.1990
1/1717/1992	ERECTION OF A NEW GREEN KEEPERS SHED/STORE AND FORMATION OF A PEDESTRIAN EXIT GATE WITHIN DOUBLE GATES INTO PARK LANE FROM VICTORIA PARK	PER	14.01.1993
1/0064/2008/LA	New single storey extension to club house to provide disabled facilities	PER	29.02.2008
1/0569/2024/FUL	Erection of changing cabins	INVAL	29.07.2024

Site Description & Proposal

Site Description

The site is known as the Bideford Bowls Club and is located to the western extent of Victoria Park. The site is situated on land owned by Torridge District Council and comprises a Bowls Club with a club house located to the north-west of the site. To the west of the site are residential dwellings along Park Lane which are approximately 20 metres from the site.

Proposed Development

The application seeks full planning permission for the erection of two changing cabins to the west of the bowling green and to the south of the existing club house each measuring 8.3m in length by 3.8m in width with an external covered seating area of approximately 1.2m in width to the east of the building. The buildings are to have a mono-pitched roof of maximum height 2.5m. The proposed materials are to be walls constructed of stained light brown timber walls, Black EPDM Rubber roof and white uPVC windows and doors. The existing wooden shed located to the south of the club house is to be re-located to the east of the club house. It measures 4.85m in length by 2.45m in width and is composed of stained timber with a black roof. There is to be a proposed soakaway in the vegetation to the east of the changing cabins.

Consultee representations:

Bideford Town Council:

RESOLVED: That the application is approved.

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Having regard for the presence and proximity of existing dwellings, there is the potential for residential amenity to be adversely affected on a temporary basis from the construction works if control

measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Construction works and site deliveries shall be carried out Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays
Reason: To protect neighbouring residential amenity

Property Services:

No response

South West Water:

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Representations:

Number of neighbours consulted:	24	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); ST22 (Community Services and Facilities); DM01 (Amenity Considerations); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity);

Government Guidance:

NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981); NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance);

Planning Considerations

The main planning considerations are as follows:

1. Principle of Development
2. Character and Appearance
3. Neighbouring Amenity
4. Highways and Parking
5. Ecology and BNG
6. Drainage and Flood Risk
7. Conclusion

1. Principle of Development

This application is located within the development boundary of Bideford, a Strategic Centre as identified within North Devon and Torridge Local Plan (NDTLP) Policy ST06 (Spatial Development Strategy for Northern Devon's Subregional, Strategic and Main Centres). The policy states that Bideford will seek to promote sustainable development opportunities to increase self-containment and achieve balanced development to enable the town to meet its own housing and economic needs and those of the surrounding area. This enquiry seeks the proposed erection of two changing rooms and the re-location of an existing shed on site to improve the existing facilities in operation at the Bideford Victoria Park Bowling Club. Given the Bowls club use already exists and is well established, and that the site is within the development boundary of Bideford, the principle of development is considered acceptable.

NDTLP Policy ST22 (1) allows 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 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. Notwithstanding the user restrictions at the site; the facility can be described as a community facility for sport and recreation and therefore the proposed works are acceptable in principle. Matters (a), (b) and (c) of this policy are considered below.

The proposal would result in social benefits through the continued and enhanced provision of a recreational facility for use by the wider community. In terms of character and appearance, the scale of the proposal is considered to have limited harm to the wider and immediate landscape character as the site is read in context with the immediate built form of the existing Bowls Club building within Victoria Park. Thus, the proposal is likely to accord with part (a) of Policy ST22. The nature of the proposed development is considered ancillary to the existing operational use of the Bowling Green and thus is considered to have a negligible impact in terms of accessibility via sustainable modes of transport and highway safety (parts (b) and (c) of Policy ST22.)

2. Design and impact on Character

Policy ST04: Improving the Quality of Development, Policy DM04: Design Principles and Policy DM08A of the NDTLP require development to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Development must follow a clear process that responds to a site context. Development must be appropriate and sympathetic to its setting and relationship to buildings and landscape features in the locality and reinforce the key characteristics and special qualities of the area in which the development is proposed. It should contribute positively to local distinctiveness and sense of place and retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area.

The scale of the proposal is considered to have limited harm to the wider and immediate landscape

character and is read within the setting of the surrounding built form of the Bowls Club building. The changing rooms are to be constructed of stained light brown timber walls, Black EPDM Rubber roof and white uPVC windows and doors. The shed is as existing it is just to be relocated to the north-east of the site. The proposed development's scale, design and external finishing materials to be used would be in keeping with the character, appearance and setting of the wider community facility and surrounding urban setting.

Therefore, the proposal is considered to accord with the above policies.

3. Residential Amenity

NDTLP Policy DM01 states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses, and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

During the consultation, Bideford Town Council provided comments recommending approval of the application, additionally, no third party representations were received. The proposed scale and nature of the development is considered unlikely to result in any significant amenity harm to the neighbouring dwellings given the proposal will be of an ancillary nature to the existing Bowls Club. The nearest dwellings are to the west on Park Lane but due to the separation distance of over 20m across the highway with an intervening hedge, the maximum height of the building of less than 2.5m and that there are no windows to the western elevation it is considered acceptable.

In light of the above, the proposed scale and location of the development would not cause significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, loss of daylight or sunlight. Therefore, the proposal accords with Policy DM01.

4. Highways and Parking

Policy ST10 of the NDTLP seeks to ensure that development proposals would not adversely impact local or strategic transport networks. Policies DM05 and DM06 of the NDTLP expect that all development must ensure safe and well-designed vehicular access, the protection and enhancement of existing pedestrian routes, and an acceptable range of parking provision.

The Bowls Club is served by an existing access and although there are no parking facilities directly on site there are nearby car parks within Bideford. The proposed changing rooms are not expected to increase any pressure on these facilities but provided improved amenities, and as such the scheme is considered to accord with NDTLP Policies ST22 (1) (b and c), ST10, DM05 and DM06.

5. Ecology and BNG

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 2010 (Habitats Regulations 2010).

This is further reinforced within the NDTLP through Policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.

A Wildlife Trigger List was submitted which confirmed that the site was greater than 0.1 hectares.

A Preliminary Ecological Appraisal conducted by Seasons Ecology was submitted on 14th November 2024 in support of the application. The considerations and recommendations of the report are as follows: *'The proposals will result in the loss of a small extent of modified grassland however this is unlikely to significantly impact on any protected or notable species. Care should be taken to protect adjacent habitats (hedgerows) during construction. A Biodiversity Net Gain Assessment will be required given the loss of habitat on site. The nest box installed on Building 3 should be relocated during the winter period (October to February) outside of the nesting bird season to avoid disturbance. Additional lighting should be avoided. If this is not possible then lighting should be kept to a minimum and incorporate a sensitive design. Care should be taken to*

keep retained and adjacent habitats (hedgerows) free from light spill to maximise benefit for nocturnal species. Recommendations for enhancement measures have also been provided including the provision of bird boxes'

A condition has been added to the permission that the recommendations outlined in section 6 of the report are followed. Therefore, the proposal accords with Policies ST14 and DM08.

BNG

As of the 02nd April 2024, it is mandatory under the Schedule 7a of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) that developments (unless exempt) must deliver a Biodiversity Net Gain of 10%.

A DEFRA Biodiversity Statutory Biodiversity Metric was carried out and submitted for consideration, received 27th November 2024. The Case Officer would concur with the finding of the baseline assessment, insofar as the existing site would likely have little ecological value as modified grassland, vegetated garden and sealed surface. The proposed Habitat Creation includes approximately 70m² of moderate grassland and the enhancement of 90m² of neutral grassland. There are no watercourses or hedgerows impacted by the proposed development.

The Trading Summaries of the proposed development demonstrates that the total net (%) change is as follows:

Habitat Units: 13.06%

Hedgerow Units: 0.00%

Watercourse Units: 0.00%

Taking account the above, the trading rules are satisfied, subject to detailed consideration at a later stage.

6. Drainage and Flood Risk

Policy ST03 requires that development should be designed to adopt effective water management whilst Policy DM04 establishes that water management must be addressed by development. Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere.

South West Water were consulted and commented: *'Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.'* It is therefore considered that the surface water soakaway to the east of the changing cabins is sufficient and that the proposal will not increase the surface runoff.

The site is within a Flood Zone 3 and a critical drainage area. AquaCell units have been designed to the east of the buildings to deal with the surface water. The surface water drainage proposal is detailed in the drawing 24008-100 submitted on 14th November 2024 which has calculated that a soakaway 3 metres in length by 2.4m in width and 0.8m deep is sufficient within the grassed area to the east of the changing cabins. The calculations were submitted in support of the application.

The National Planning Policy Framework (NPPF) sets strict tests to protect people and property from flooding.

Paragraph 170 of the NPPF advises that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

Paragraph 181 of the NPPF states 'When determining any planning application, Local Planning authorities should ensure that flood risk is not increase elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and egress routes are included where appropriate, as part of an agreed emergency plan.'

Policy ST03 of the NDTLP requires that 'development should be designed and constructed to take account of the impacts of climate change and minimise risk to and vulnerability of people, land, infrastructure and property by locating and designing development to minimise flood risk through avoiding development of land for vulnerable use which is or will be at risk from flooding'.

The site is within Flood Zone 3a having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of sea flooding. The construction of the temporary changing facilities is not considered to increase the flood risk to users of the facilities in this location.

The proposed cabins will not be habitable and only be used for members of the Bideford Victoria Park Bowling club (and their opponents) to change into appropriate clothing before and after matches as well as for storage of individual members bowls, bowling attire and equipment. The vulnerable lighting and power electrical circuits and outlets will all be a minimum of 1200mm above finished floor level. This has been conditioned as part of the permission.

The proposal is considered to provide an appropriate and proportionate provision for the management of surface water and will not increase the flood risk. In this instance and as such the proposal accords with Policies ST03, DM02 and DM04 and the NPF.

7. Conclusion

In conclusion, the proposed development would not cause significant harm to the character and appearance of the existing site or wider landscape; amenity; highways; surface water flooding; and ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST03, ST04, ST06, ST14, ST22, DM01, DM04, DM05, DM06, DM08 and DM08A.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no 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 time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Construction works (including deliveries of construction materials) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties, in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.

- 4 The development should proceed in accordance with the Recommendations outlined in Section 6 of the Preliminary Ecological Appraisal by Seasons Ecology submitted on 14th November 2024 in support of the application.

Reason: In the interests of preventing harm to protected species.

- 5 Prior to the buildings approved coming into use at least one bird box should be installed on each of the changing room buildings and the bird box on the existing shed should be reinstated on the shed in its new location. All bird boxes shall be retained and maintained in perpetuity.

Reason: To enhance biodiversity.

- 6 The vulnerable lighting and power electrical circuits and outlets will all be a minimum of 1200mm above finished floor level.

Reason: To ensure the future flood resilience of the buildings are maintained.

- 7 The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule, including annual works schedule;
 - g) Details of the monitoring needed to measure the effectiveness of management;
 - h) Details of the timetable for each element of the monitoring programme;
 - i) Details of the persons responsible for the implementation and monitoring;
 - j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Reason: To enhance biodiversity.

Plans Schedule

Reference	Received
RET-23/2/1 A	21.11.2024
RET-23/2/3	21.11.2024
RET-23/2/5	21.11.2024
RET-23/2/6 A	21.11.2024

RET-23/2/11	27.11.2024
RST_SD_SE_005	14.11.2024
24008-100	14.11.2024
Proposed Habitats	14.11.2024

Informatives

01. Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Statement of Engagement

In accordance with paragraphs 39 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a

positive and proactive manner in seeking solutions to problems arising in relation to the planning application.