

TORBAY COUNCIL

Application Site Address	Brixham Bowling Club Nelson Road Brixham TQ5 8BH
Proposal	Alterations to create disabled access including ramp and new entrance door.
Application Number	P/2024/0665
Applicant	Brixham Bowling Club
Agent	PMR Architecture
Date Application Valid	15/10/2024
Decision Due date	10/12/2024
Extension of Time Date	07.02.2025
Recommendation	Approval: Subject to: The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	The application site is within land owned by the Council.
Planning Case Officer	Trenton Oldfield

Location Plan



Site Details

The site, Brixham Bowling Club, contains a single storey clubhouse, external bowling greens and various associated equipment including storage sheds and water tanks. There are various fences to enclose the different areas. The site is alongside Furzeham Green, Nelson Road Play Area, and Tennis and Basketball courts. It sits within both residential and recreational settings. The site is above and to the North West of Brixham Harbour and forms part of the built-up area.

Description of Development

Alterations to create disabled access including ramp and new entrance door. The proposed development would be to the South and East side of the existing clubhouse.

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 Adopted Brixham Peninsula Neighbourhood Plan (BPNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy 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.

Summary of Consultation Responses

1. Brixham Town Council	No objection
2. South West Water	Acceptable
3. LPA Environment Health	No objection
4. LPA Drainage	Use standing advice
5. LPA Adult Social Care	No response
6. LPA Parks	No response

Summary of Representations

At the time of writing a total of 4 letters of objection (from 3 addresses) have been received in which the following matters were raised:

1. Already an existing disabled access, no need for new access
2. Safety concerns – increases risk of accidents/hazard
3. Pathway will be overbearing and detract from their enjoyment of the green space
4. Removes land from community use
5. 'Mission creep' – Bowling club may be unduly extending its role and land use
6. Concern the club would seek to transform the 'green triangle' into parking.
7. Misleading documents submitted / lack of detail
8. Proposed railings out of character for area
9. Potential light pollution – adverse impact on nearby neighbours

SRM/Ward Councillor Responses

Councillor Hutchings	Emailed 31.12.2024	No concerns. Proceed.
Councillor Stevens	Emailed 31.12.2024	No concerns. Proceed.
Councillor Strang	Emailed 31.12.2024	No concerns. Proceed.

Relevant Planning History

P/2013/1032	Erection of storage shed	Approved
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P/2006/1248
P/2003/1285

Single Storey Extension
Erection of Metal Shed

Approved
Approved

Planning Officer Assessment

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 key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. Principle of Development
2. Design and Visual Impact
3. Impact on residential amenity
4. Access, movement and parking
5. Ecology and biodiversity
6. Drainage and flood risk

1. Principle of Development

The proposal is to create disabled access including ramp and new entrance door. The proposed development would be to the South and East side of the existing clubhouse.

In the context of development within the built-up area, there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Design and Visual Impact

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. 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 BH5 of the Brixham Peninsular Neighbourhood Plan states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.

This aspect of the proposed development attracted the following Resident Representation(s):

- i) One objection to the proposed development stated they opposed the proposed railings as they consider the design and colour them to be out of character to the area. (Addressed in point 'c' below.)
- ii) Objections were lodged concerning the use of an aerial photograph as part of the application. The photograph incorrectly that showed the 'grassed triangle' area to be part of the bowling club site, including using a redline around this area. The document is labelled as 'PH001 Photos 23.72_05'. (Addressed in point 'f' below.)

The proposed development is considered acceptable for the following reasons:

- a) The proposed development will not adversely affect the already existing clubhouse/pavilion setting – it will not introduce an out of character development to the site and wider area 'recreational setting'.
- b) The proposed widening and lengthening of the existing path are limited in size, width and scope. The proposed will not have an adverse impact on design or setting of an existing club house and the wider 'recreational setting/context'. The relatively small increase in hard surfacing will not unduly unbalance the existing wider recreational setting.
- c) The site is not in the conservation area. The proposed railings on both sides of proposed path are acceptable for the use type, existing clubhouse/pavilion and wider recreational area setting. Due to the location and the slope most of the proposed railings will go largely unseen. The railings are proposed for part of the South elevation (the area seen from the road) and not the entire length. The proposed railings on the East elevation will be largely or entirely unseen from the street. The proposed white colour is acceptable for the recreational context outside of a conservation area.
- d) The proposed introduction of a new door to the South elevation will not have an adverse effect on the clubhouse/pavilion or the wider recreational setting.
- e) The proposed widening of the gate area to the West of the site, meeting with the road, will not have an adverse impact on the design and character of the existing development or the wider setting. The proposed materials are acceptable and will not be alien to the site or neighbourhood.
- f) The photographs are considered as supplementary information and are not considered part of the application. The Site Location Plan, which does form part of the formal application does not include the 'grassed triangle' area. The 'grassed triangle' area shown on as 'PH001 Photos 23.72_05' is not considered part of this planning application. The photographs will not form part of the application if approved.

The proposal is not considered to result in any unacceptable harm to the character or visual amenities of the locality and is considered to be in accordance with Policies DE1 of the Local Plan, Policy BH5 of BPNP, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

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

Policy BH5 of the Brixham Peninsular Neighbourhood Plan states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.

This aspect of the proposed development attracted the following Resident Representation(s):

- i) The proposed development would reduce land available for public use. (Addressed in point 'a' below.)
- ii) Potential lighting would result in light pollution in bedroom window(s). (Addressed in point 'b' below.)
- iii) The position of the door would result in loss of privacy. (Addressed in point 'b' below.)
- iv) The proposed development would set a precedent for future development/expansion. (Addressed in point 'c' below.)

The proposed development is considered acceptable for the following reasons:

- a) The proposed development is within the curtilage of the site as shown on the Site Location Plan submitted with the application. The proposed development is not extending outside the curtilage. As the aerial photo included as supplementary information to the application incorrectly included the 'grassed triangle' area it understandably was cause for concern. The photographs would not form part of an approved planning application. The site is defined by the Site Location Plan.
- b) The proposed development will not result in adverse impacts on the amenity and privacy of the occupiers of neighbouring properties. The use is reasonable for this existing development type and use. The dwellings are a significant distance from the site, on the other side of the road. It is considered very unlikely light will spill into windows will occur. The position of the door and its likely use will not result in overlooking or intervisibility with neighbours across the road.
- c) Concerns from objectors the 'grassed triangle' area may be turned into carparking for disabled visitors or otherwise is a thoughtful and understandable assessment given the error in the supplementary document that included photographs ('PH001 Photos 23.72_05'). As discussed above, this document would not form art of the approved documents. The application before the LPA relates only to the area shown with a redline of the Site Location Plan. The proposed development is within the curtilage of the site.

The proposal is not considered to result in any unacceptable harm to the amenity of neighbours or the wider the locality and is considered to be in accordance with Policy DE3 of the Local Plan and the guidance contained in the NPPF.

4. Access, Movement and Parking

Policy TA2 'Development Access' 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 'Parking Requirements' states the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. The policy states the loss of on-street or public parking provision will be a material consideration in planning applications.

This aspect of the proposed development attracted the following Resident Representation(s):

- i) Objectors are concerned the proposed development will result in conflict with road users and undermine the safety of both road users and those using the widened access area (pedestrian and wheelchair/buggy users). Objectors point out there is often parking on the double yellow lines and that the road narrows in this area. (Addressed in point 'd' below.)

The proposed development is considered acceptable for the following reasons:

- a) The proposed development will provide access to the bowling greens and not just the club house and some of the external areas as is currently the case. The proposed development will significantly increase access across the entire site allowing for a wider range of users to participate in the offering. The proposed development will provide access to the greens which is not currently the case.
- b) The proposed development will provide access to the greens from the clubhouse/pavilion by introducing a door to the South elevation. This will reduce awkwardness travelling around the clubhouse/pavilion to access the greens and vice versa.
- c) In documents supplementary to the application the proposed development is reported to meet disability user standards (incline, decline, width, railing height and type).
- d) The proposed development is not likely to result in an increase in hazard or undermine the safety of users. The LPA's Community Safety Team was consulted and did not object to the proposed development.
- e) In terms of parking, the proposed development does not make any changes to the existing on-street parking arrangements. There is no off-street parking at the site. The proposed development does not result in the need for more or different parking arrangements.

The proposed development is considered to accord with Policies TA2 and TA3 of the Torbay Local Plan.

5. Ecology and Biodiversity

The NPPF provides guidance in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 187). Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. The Brixham Peninsula Neighbourhood Plan does not include a specific policy for ecology and biodiversity (aside from Policy E8 that is specific to Internationally and nationally important ecological sites and species – which this site is not a part of).

This aspect of the proposed development attracted the following Resident Representation(s):

- a) The objector has concerns the proposed development will extend further into the 'grassed triangle' area than shown on the plans – adversely affecting the natural environment and removing currently open space from human use.

The proposed development is considered acceptable for the following reasons:

- a) The Torbay Wildlife Trigger Table was submitted with the application. No column was ticked which would trigger the need for an ecology study to be undertaken. The application is not liable for Biodiversity Net Gain (BNG) due to the de minimis exemption.
- b) It is suggested in the application the proposed development may include some lighting on some parts of the pathway (which may be a requirement under Disability legislation). As the site is within the 'Horseshoe Bat 5km Buffer Zone' and this is an open site with numerous dark areas, the LPA considers it reasonable to condition a scheme of external lighting. The scheme shall be developed with a suitably qualified ecologist. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the proposed development.

The proposed development is considered to accord with Policy NC1 of the Torbay Local Plan.

6. Drainage and Flood Risk

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 proposed development is considered acceptable for the following reasons:

- a) The submitted Flood Risk Assessment form (dated 26.09.2024) states a SUD system will be provided. It is a condition of development approval the SYD system will be designed in accordance with BRE 365 for the critical 1 in 100 year storm event plus 50% climate change. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The proposed SUD system must be installed and operational prior to the first use of the proposed development – and maintained for the life of the development.
- b) The proposed drainage solution has been considered by South West Water and deemed acceptable.

The proposal is considered to accord with Policies ER1 and ER2 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

Minor development with limited impact on economic benefits. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principal social benefit of the proposed development would be the improved access to the facility and widening of participation. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be relevant to the proposed development are impacts on the streetscape, ecology, biodiversity and surface water drainage. These matters have been considered above. The proposed development is considered in terms of the environmental element of sustainable development the balance is in favour of the development.

Sustainability Conclusion

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

Human Rights and Equalities Issues Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. 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.

BNG

The application is not liable for Biodiversity Net Gain (BNG) due to the de minimis exemption.

Proactive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or neighbouring living conditions; would provide acceptable arrangements in relation to highway safety, flood risk, and ecological constraints. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: Subject to;

- The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
- The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions:

1. Drainage

In accordance with the submitted flood risk signed/dated 26.09.2024 surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 the guidance contained in the NPPF.

2. Lighting

Prior to the installation of a lighting scheme for the proposed development, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Design scheme shall be implemented and maintained and retained as approved for the lifetime of the development.

Reason: To prevent disturbance to bats, including greater horseshoe bats, in accordance with Policy NC1 of the Adopted Torbay Local 2012-2030, Policies E1 and E8 of the BPNP and 2030 the guidance contained in the NPPF.

Policies:

Torbay Local Plan

Policy SS3 Presumption in favour of sustainable development
Policy SS8 Natural environment
Policy SS14 Low carbon development and adaptation to climate change
Policy NC1 Biodiversity and geodiversity
Policy DE1 Design
Policy DE3 Development amenity
Policy DE5 Domestic extensions
Policy ER1 Flood risk
Policy ER2 Water management
Policy SDB1 Brixham Peninsula
SC2 – Sport, leisure and recreation
ER1 - Flood risk
ER2 – Water management
SC1 – Healthy bay
TA2 - Development access
TA3 - Parking requirements
NC1 - Biodiversity and geodiversity

Brixham Peninsular Neighbourhood Plan, adopted June 2019

BH5 - Good design and the town and village Design Statements
BH7- Sustainable construction