



Clerk: Lisa Antrobus  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
Date: Tuesday, 19 June 2012

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 25 JUNE 2012**

I am now able to enclose, for consideration at the Monday, 25 June 2012 meeting of the Development Management Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
4.	<b>P/2011/0829/MOA - Site Of Existing Club House, First And Eighteenth Holes, Churston Golf Club, Dartmouth Road, Brixham</b>	(Pages 1 - 19)
5.	<b>P/2011/0838/MPA - Land At Churston Golf Club, Dartmouth Road, Brixham</b>	(Pages 20 - 44)

Yours sincerely

Lisa Antrobus  
Clerk

# Agenda Item 4

## Application Number

P/2011/0829

## Site Address

Site Of Existing Club House, First And Eighteenth Holes.  
Churston Golf Club  
Dartmouth Road  
Brixham  
Devon  
TQ5 0LA

## Case Officer

Mrs Helen Addison

## Ward

Churston With Galmpton

## Description

RE-ADVERTISEMENT. Revision to reserved matters for which approval is being sought. Layout, landscaping, scale and appearance to be reserved (not considered as part of this application) Demolition of clubhouse, outbuildings and car park and development comprising up to 90 dwellings, 42 bed extra care scheme (use class C3 Extra Care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (In Outline). THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE LOCAL PLAN

## Executive Summary/Key Outcomes

There are a number of key technical and non-technical issues Members should consider in determining this application.

## **Nature of application**

The application is submitted in outline, with all matters reserved except for access. The layout and elevational drawings are illustrative only. These drawings show that up to 90 dwellings and a 42 bedroom extra care home, an area of public open space and other associated infrastructure, access and parking can be accommodated acceptably on site.

The residential proposal is linked to the proposal for a new clubhouse, for obvious reasons, in terms of delivery of the two proposals (one can't go ahead without the other), but not in terms of determination. This application can be determined on its own merits.

## **Public interest in the proposals**

It is important to recognise the significant scale of opposition from local residents that the proposed development has generated, and the more limited amount of support for the proposals. Several thousand representations against the development have been received and are summarised in this report. Approximately 780 representations are in objection to the scheme and approximately 390 in support, excluding the 'bulk' submissions of postcards, community questionnaires etc.

In a survey of Churston, Galmpton and Broadsands residents, conducted prior to the submission of the planning application, 94% of respondents objected to a development on the 1st and 18th tees combined with the building of a new clubhouse in the AONB. The Community Partnership and RAGS have commissioned their own consultants reports, which have been presented recently to Members and argue against the

proposed development.

In addition, a Neighbourhood Plan is being prepared for Brixham Peninsula. It is acknowledged this proposal could provide a significant proportion of housing to come forward, over the next 20 years, in Brixham Peninsula. As such, releasing the site for development could be considered as premature to establishing, via Local and Neighbourhood Plans, the appropriate level of housing for Brixham Peninsula. However, there has not been sufficient progress on either the Local Plan or Neighbourhood Plan for them to carry any significant weight in a decision on this application. The Planning Inspectors, at the Wall Park and Scotts Meadow Public Inquiries, gave very little weight to emerging Local or Neighbourhood Plans. It is considered that such an argument would be difficult to defend at appeal.

### **Nature of the site**

The site accommodates a clubhouse, car park, a single storey building used for coaching and the 1st and 18th holes of the golf course. The ground levels on the site slope gently downwards in a northerly direction. There are long distance views across the site from both Dartmouth Road and Bascombe Road. The area of the site covered by car park and buildings is previously developed land (brownfield), the remainder is Greenfield. The southern and most public facing boundary of the site is well developed, with the club house, the coaching building and a hard surfaced car park. The remaining Greenfield element is private land and offers no public amenity facility with only limited benefit obtained from views across the site. There are predominantly residential properties / uses in the area surrounding the site.

### **Local and national policy**

The Local Plan, even with publication of the National Planning Policy Statement (NPPF), is the starting point for determining this proposal. However, and notwithstanding the fact that the application has been advertised as a departure from the Local Plan, there are no local plan policies relating directly to this site, other than the local wildlife site (which runs along the railway on the eastern boundary of the site and is not included in the site).

The site is not specifically allocated for housing development in the Local Plan. The NPPF (para 14) makes it clear that where the development plan is "silent" permission should be granted unless the adverse effects of granting permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development must be applied in these circumstances, according to the NPPF. The NPPF also supports the effective use of land by re-using land that has previously been developed (brownfield land (para 111) and by developing land in sustainable locations.

### **Supply of housing land**

Two recent Public Inquiry decisions (Wall Park, Brixham and Scotts Meadow, Torquay) have concluded that the Council does not have a five year supply of housing land. Failure to have a five year land supply renders the Local Plan's housing supply policies (including policies on the appropriate location for new housing) automatically out of date. This also triggers the presumption in favour of sustainable development, as set out in the NPPF, unless – as stated above - the adverse effects of the development would significantly and demonstrably outweigh its benefits.

The Strategic Housing Land Availability Assessment work (SHLAA), undertaken by consultants in 2008 identified this site as a suitable site for housing (T735), but is

dependent on clubhouse relocation. The SHLAA advises that a density of around 34.5 dpa would provide a yield of 147 homes on the site. This site has been included in the Council's evidence of a five year supply.

Development of this site for residential purposes would be consistent with the predominant uses in the surrounding area and would not be out of keeping with the overall character of the area. Given the presumption in favour of sustainable development that runs through the heart of the National Planning Policy Framework (NPPF), the 'silence' of the Local Plan on this site and the contribution this land could make to meeting housing need and five year housing land supply in Torbay, it is considered that this site is acceptable in principle for residential development.

### **Environment/ecology/Landscape**

The NPPF and Local Plan policies seek to ensure new development conserves and enhances biodiversity. A very thorough assessment of the impacts of the proposed development on the environment, ecology and landscape has been undertaken. The Environmental Statement, submitted with the applications concludes that the impact on bats as a result of the development is expected to be negligible. No Greater Horseshoe bats were recorded using the site. No Cirl Buntings were found to be present on the site during surveys and the site is considered to have very limited potential for this species. There are no objections from statutory consultees on these issues. Natural England and RSPB support the mitigation and enhancement measures suggested by the applicants and covered in this report.

### **Traffic**

The development will have a transport impact. However, this must be considered against the existing traffic movements associated with the golf club and the proposed highways improvements, including a single point of access and a dedicated right hand turn lane in to the site. Although the traffic associated with the development will have an impact on the main Dartmouth Road and important junctions such as at Windy Corner, this impact is to be appropriately mitigated through s106 obligations and contributions to provide improvements to sustainable transport infrastructure in the vicinity of the site. Consequently, the impact of the development on the highway network is not considered to be such that the development could be refused on the basis that it would significantly and demonstrably outweigh the benefits of the development.

### **Density**

The proposed density of development for the residential element of the site would be 24 dwellings per hectare, and the extra care homes would be 84 dwellings per hectare producing a combined density of 31 dwellings per hectare. At an average of 31 dwellings per hectare it is considered the density of the proposed development strikes an appropriate balance between the desire to make the most efficient use of the site and the need to ensure that the development is appropriate in its wider context. The indicative layout plans demonstrate the development can deliver on its ambitions for contextual design, providing for reduced densities at the periphery of the site, which relates to the lower density context of the surrounding environment, and slightly higher density to the centre of the site.

### **Precedent**

Some concerns have been expressed, in representations, that the proposal represents the first phase of a larger development, with objectors considering that further

development could come forward to the eastern side of the railway line, on existing golf club land. This area is within the countryside 'zone' and forms a contiguous part of the rural area, including part of the South Devon AONB, between Churston and Brixham. There are very clear policy reasons why residential development would not be appropriate in such a location. However, this is not a matter that should influence the outcome of this application.

### **Community benefits**

The NPPF requires weight to be given to the economic and social benefits of development proposals. In this application those benefits include:

- Construction and provision of housing, to help meet housing needs in the Bay;
- Affordable housing, in the form of the extra care home for the frail elderly;
- Pedestrian and cycle access would be provided through the site
- A contribution towards sustainable transport of £260,510, to be spent on upgrading America Lane to a bridleway along its entirety, completing the shared use path on the A3022 from Churston Road to Manor Vale Road, completing missing cycle link between Manor Vale Road and Churston Road with a 3 metre shared use path, and upgrading lighting in the underpass between Bridge Road and Greenway Road.
- Lifelong Learning contributions would be spent on capital investment at Churston Library.
- The Education contribution would be spent on increasing provision at White Rock and Roselands schools
- The Greenspace contribution would be spent on the public rights of way improvement plan and the SW Coast Path.
- A Economic Impact Assessment submitted by the applicants links the two planning applications and, as such, doesn't disaggregate economic benefits associated with just the residential development. However, it is evident there will be economic and employment benefits locally through demolition of existing buildings on site, construction of new homes and extra care facility, employment of people in the extra facility, operation/maintenance of the care facility, maintenance of new homes and spend from occupiers of new homes. New Homes Bonus from the development will also be spent on public services and improvements to local infrastructure.

### **Recommendation**

Conditional Approval of Outline planning permission with all matters reserved apart from access; subject to the completion of one or more S106 Legal Agreements in terms acceptable to the Executive Head of Spatial Planning, within 6 months of the date of this committee (conditions at end of report).

### **Site Details**

The application site relates to land that is currently used by Churston Golf Club for the 1st and 18th tees, alongside the club house, car park and a single storey building used for coaching. The site is located to the north of Dartmouth Road. The club house and car park are at the southern end of the site adjacent to Dartmouth Road. The vehicular access to the site is from the A3022 Dartmouth Road. There are two access points from Dartmouth Road that are used with a separate 'in' and 'out' arrangement. The site tapers in width to the north. Bascombe Road runs along the northern boundary. There are views from Bascombe Road across the site. The steam railway line runs along the eastern boundary. To the west are residential properties in Warborough Road and

Brakeridge Close. On the opposite side of Dartmouth Road are residential properties and a recreation ground.

The site contains mature trees which are located along the western and eastern boundaries, which are covered by a Tree Preservation Order 1986.03. The ground levels on the site slope downwards in a northerly direction. There are long distance views across the site from both Dartmouth Road and Bascombe Road.

In the Torbay Local Plan 1995-2011 there is no specific allocation relating to the site. The railway line along the eastern boundary of the site is designated as a local wildlife site. Other than this there remain no environmental or other constraints mapped on the Local Plan proposals map in respect of this site. Bascombe Road is shown as being a cycle route. The character of the surrounding area is mixed with a predominance of residential use. There are some industrial uses in Bridge Road on the opposite side of the railway line. Churston Ferrers Grammar School is located on the opposite side of Dartmouth Road approximately 150m to the south of the site.

### **Detailed Proposals**

The application is submitted in outline for the construction of up to 90 dwellings on the site, along with a 42 bedroom extra care home and an area of public open space. When the application was originally submitted approval was sought for access, landscaping, layout and scale. During consideration of the proposal the applicant has revised the matters for which outline consent is sought and has requested that the application be considered on the basis of access only, with all other matters to be considered when the reserved matters application is submitted. The applicant advised that the reason for changing the application is to simplify the process and to provide flexibility to respond to changes in the housing market in the future.

In support of the application a feasibility plan has been submitted which illustrates how the proposed development could be laid out on the site. The principle of the proposed development would be to provide three distinct character areas, with the intention of reflecting the local context. These are a "village quarter" based on Churston Ferrers and Galmpton, the "tree lined avenue" based on the surrounding area of Broadsands and "Country Lane" based on Bascombe Road with its Devon hedge banks and larger houses. The village quarter would have a tighter urban grain. It would comprise terraces of dwellings with parking in courts. There would be back edge of footpath development with drive- under dwellings to the garage courts. Where there would be small front gardens, enclosures would be a combination of low walling and railings. The avenue would have a more suburban character with tree line grass verges and parallel footpaths behind. The houses would be detached or semi-detached. Front gardens would be enclosed by hedges. The country lane would be served by a shared access road defined with a grass verge and Devon hedge bank either side. Gaps in the hedge bank would provide access to the individual or small groups of housing.

The extra care facility would be located in the south west corner of the site adjacent to Dartmouth Road and the railway. An area of public open space would provide a buffer between the extra care home and the residential development. The extra care facility would have a linear form that follows the western boundary of the site. It would comprise 42 one and two bedroom apartments and would provide affordable housing on the site. It is intended 50% would be provided as social rented and 50% as shared equity. A communal lounge and restaurant would be provided within the building. The

height would be part two and part three storeys. The principle and use of the extra care facility would be reflective of the facility provided at Dunboyne, which has recently been rebuilt on St Marychurch Road, Torquay.

Particular features of the residential layout would consist of frontage development to Dartmouth Road with two storey semi-detached dwellings set back from the road. The curved line of the railway would be followed by the 'Avenue'.

The building height across the site would be largely two storeys. The storey height would increase to 2.5-3 storeys towards Dartmouth Road with tighter forms of terracing, parking courts and back edge pavement development. The density would decrease towards Bascombe Road with larger two storey detached properties with garaging in larger plots.

The principle access to the site would be from Dartmouth Road. The existing vehicular entrance and exit points would be replaced with a single point of access. This consolidated access would be located at the current point of exit from the site. The proposed position of the access would enable the provision of a new right hand turn lane, provide necessary site lines and would avoid existing bus stops. A limited access to serve five dwellings would be provided from Bascombe Road. There would be no vehicular link through the site between Dartmouth and Bascombe roads, although pedestrian and cycle link would be provided.

The landscape strategy would be to retain the majority of trees currently on the site. The public open space would include a children's play area and an opportunity for a community garden. Street planting and hedge banks are proposed in the northern part of the site.

This application has been submitted separately to application reference 2011/0838 for the new golf club house. However, the two applications are linked in terms of delivery because the proposals subject of this application would not be capable of implementation unless planning permission was granted for a new club house. The applicant advises that the development relates to Churston Golf Club's ambition to become a premier golf club which requires the provision of more attractive facilities. The upgrade is required, according to the applicants (but disputed by the Community Partnership and RAGS) to stem a decline in the club's membership, secure the club's long term future and to promote the long term stewardship of the AONB. The two application sites are physically separate, approximately 0.8 miles apart.

The application has been advertised as a departure from the Local Plan, as the Local Plan does not allocate the site for housing and the development is a substantial development of a part Greenfield site. An Environmental Statement (ES) in accordance with the EIA Regulations has been submitted, and this covers both this proposed residential development and the proposed new club house development under application reference P/2011/0838. Amongst other matters it includes an assessment of ecology, landscape and visual impact, transport, noise and vibration and archaeology. There is also a non technical summary.

### **Summary Of Consultation Responses**

Strategic Transportation – requests S106 contributions to a) complete the missing cycle link along the primary route between Manor Vale Road and Churston Road and b)

provide a secondary route for cyclists between Churston and Brixham by upgrading the America Lane bridleway (estimated cost £210K).

The proposed shared use path between Churston Road and Bridge Road is not supported. The proposed footway on Bascombe Road is not supported. A widening of the layby at Manor Vale/Dartmouth Road is required.

Interim improvements to the signalling (MOVA) have increased capacity at Windy corner to demonstrate that the junction can cope under future conditions with the golf course development in place, albeit with limited spare capacity. It is accepted that, in the long term, improvements are required for Windy Corner, which will come forward in due course. However, the proportional increase in flows on Dartmouth Road generated by the proposed development is less than 5% during the morning peak, even where flows are highest, which is well within acceptable limits. Therefore there is no highways reason to refuse the development.

Torbay Civic Society - support the proposal. The economic viability of Churston Golf Club likely depends on the success of the application and therefore the economic viability and sustainability is now crucial.

Environment Agency (EA) - following receipt of additional information in respect of soakaways, the EA advises that the use of deep soakaways on the site would be acceptable, subject to the receipt of further information and a condition to prevent pollution of controlled waters.

South West Water (SWW) - no objection subject to the point of connection to the public foul sewer network being determined by SWW.

South Hams DC - no objection.

RSPB - recommends landscape planting should be nectar rich or berry producing. Nest boxes could be fixed to trees on the eastern boundary and incorporated into buildings. Particular consideration should be given to the extra care home as the well being of the residents will be enhanced by being able to see wildlife and birds from the windows. Suggests a wildlife management plan is adopted.

Sport England - have provided an 'in principal consent' for the proposal to go ahead due to a net increase in usage for the golf course and facilities. A bigger pavilion and increased coaching areas, efficiently designed are in the best interest of sport and long term sustainability of the club.

Arboricultural Officer - the main arboricultural constraints arise from the 2 linear tree groups bounding the eastern and western boundaries which are protected by TPO. The applicant has demonstrated that scope exists for development of the site and agreement is reached in arboricultural terms on the general layout. There is a poor relationship with the eastern boundary and this requires revision in layout terms. Different species should be selected in the landscape scheme.

Fire Authority - no observations.

Drainage and Structures – no objection in principle.



Natural England - support the provision of a protective buffer between the proposed development site and the railway. Have concern that the public open space does not make provision towards encouraging and enhancing the biodiversity interest associated with this area.

CPRE - objects to the proposal on a number of grounds including high density, out of keeping with surrounding area, overpower the area, greenspace unlikely to be used, loss of visual amenity, increased traffic movements and detrimental impact on tourism.

Brixham Town Council - recommend application be refused.

### **Summary Of Representations**

Prior to the submission of the application the applicants carried out public consultation. A statement of community engagement has been submitted in support of the application. Further public exhibitions were held in Brixham and Churston in September 2011.

The Council's website records that 1175 representations have been received. These consist of both objections and letters in support. Albeit that the majority of responses are in objection to the proposed development.

Points raised in objection include:

- Not in keeping with local area
- Contrary to local plan
- Will generate additional traffic
- Will add to existing traffic congestion
- Will make the Windy Corner junction worse
- Journey times in the area will dramatically increase
- Will detract from rural nature of the area
- There are uninterrupted views across the Bay as you look north/east from the elevated sections of Dartmouth Road, the proposal will change this view
- There are more suitable sites for additional housing such as White Rock
- Development would be inappropriately dense in a semi rural area
- The road infrastructure limited by the topography of the peninsula cannot be sustained
- Will urbanise a precious remaining area of greenspace
- Detrimental impact on natural beauty which remains the area's greatest economic asset
- Already a number of homes in the area - none are at capacity
- Detrimental to tourist business
- Unacceptable destruction of trees and wildlife
- Density of housing is far in excess of other housing in the area
- Sets a precedent of building on green belt
- Current club house has been recently built using lottery money
- Churston doesn't have the facilities to cope with another housing development
- The scheme is not part of the local Torbay Local Plan
- No provision of affordable housing for young people and families
- Tourists want to enjoy country lanes and see green space
- Only a small number of jobs would be created.

Points raised in support include:

- proposal will create more houses in an area where there is a shortage
- proposal will provide family housing
- housing will have facilities such as transport links, doctors, leisure and schools nearby
- good use of land that is not suited to any other form of activity
- proposal will create more jobs
- proposal will ensure longevity of golf club
- Designs are in keeping with the local area.

In addition the following further responses have been received:

- 1008 objection cards have been received from RAGS (Residents Against Golf Club Sell-Off), a local action group.
- 502 pre-application responses have been received from the Community Partnership, following their questionnaire. 472 households (94%) of respondents were against the principle of developing the 1st and 18th tees and building a replacement clubhouse in the AONB.
- A large number of letters of representation were also received prior to the submission of the application.

A very considerable number of representations have been received that relate to both this application and application reference 2011/0838 for the golf club house. This demonstrates the strength of feeling locally about this scheme and the concern held by local residents about the proposed development.

The Community Partnership and RAGS have together recently submitted a number of reports covering matters such as planning, ecology, highways, economic impact, environmental impacts and assessment of the viability of the existing and proposed golf clubs, impact on AONB and alternative approaches. The key concerns of these organisations are:

- Impact on the character and appearance of the nationally important (AONB) landscape;
- Lack of exceptional circumstances necessary to justify the grant of planning permission for development in the AONB;
- Likely detrimental impact on the habitat of the Greater Horseshoe Bat;
- Unlawfulness of determining proposals until sufficient survey work undertaken to determine there is no reasonable scientific doubt about adverse impacts on the SAC;
- Detrimental impact on the character of Churston Ferrers Conservation Area and Grade 1 listed building;
- Inability of the road infrastructure to accommodate the traffic produced;
- Insufficient evidence to conclude the proposal won't have a detrimental impact on groundwater
- Prejudice the emerging Brixham Peninsula Neighbourhood Plan

#### **Relevant Planning History**

The relevant applications are;

1996/0989 Demolition Of Clubhouse And Erection Of New Clubhouse And Trolley Store

(As Revised By Letter And Plans Dated 22nd October 1996) per 1.11.96

1995/1191 1995/1191

Demolition Of Existing Clubhouse And Erection Of New Clubhouse (As Annotated On Plans 05/01/96) approved 5.1.96

87/05430A Erection of new clubhouse with car park junction Bascombe Road and Bridge Road and access off Bridge Road. Road junction improvements at Bascombe Road, Green Lane and Churston Road. Extension of golf course to provide additional golf holes. Land junction Bascombe Road/Bridge Road, Bascombe Road, Green Lane, Churston Road and Field OS no.8075 refused 25.9.87, subsequently allowed by Secretary of State's letter dated 3.1.90

1985/2463

Residential Development – approved 20/12/85

1982/1410

Residential Development

The following applications are linked to this application:

2011/0838 Change of use of agricultural land for use as a golf course; development of a clubhouse ,car park and golf trolley store ; a new vehicular access and road from green lane; a new practice area with associated small building and practice putting green; and works to form three replacement tees, fairways and greens; all associated infrastructure engineering works and landscaping THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE LOCAL PLAN – current application.

#### **Key Issues/Material Considerations**

The main issues to be considered is determining this application have been summarised in the Executive Summary. The following advice adds detail to the Executive Summary.

#### **Principle and Planning Policy -**

The National Planning Policy Framework (NPPF) was published in March 2012. It replaces a considerable volume of planning guidance. The central principle in the NPPF is to achieve sustainable development. The three dimensions to sustainable development are identified as;

- An economic role- contributing to building a strong, responsive and competitive economy, by ensuring sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- A social role- supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment.
- An environmental role- contributing to protecting and enhancing our natural, built and historic environment.

These three roles are seen as being mutually dependent, and it is advised that they should be sought jointly and simultaneously through the planning system. At the heart of the National Planning Policy Framework is a “presumption in favour of sustainable development”. The NPPF states that housing applications should be considered in the

context of the presumption in favour of sustainable development and this is applicable in this case.

Local Authorities are required through the NPPF to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (NPPF para 47). The objective of delivering of a wide choice of high quality homes to create sustainable, inclusive and mixed communities is also promoted (para. 50).

The recent appeal decisions at both Wall Park and Scotts Meadow determined that Torbay does not currently have a 5 year supply of available housing land to meet the effective demand for housing in Torbay. Notwithstanding, the Council's view on this matter, these appeal decisions carry significant weight and this is a material consideration given that this site would make a substantial contribution to the delivery of new housing.

The NPPF makes it clear that where there is not a 5 year supply of available housing land applications should be determined in accordance with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

This application site has been included in the Council's calculations of its five year supply. The SHLAA identified this site as a potential site for housing (T735) confirming in Vol 1 of the SHLAA (in relation to the need to provide 10,000 homes) that the site is suitable for housing being 'close to local services and amenities' and as 'there are no specific policy or topographical constraints on the site that would restrict residential development'. The suggested yield in the SHLAA for this site is some 147 dwellings, the total proposed in this application (including the extra care facility) is 132 dwellings.

In the Torbay Local Plan 1995-2011 whilst there is no allocation for development on this site, there is also no specific designation protecting the site from development other than the local wildlife site that runs along the railway on the eastern boundary of the site. Dartmouth Road is indicated as being part of the major road network and Bascombe Road as a cycle route.

Although the site is not allocated for housing development in the Torbay Local Plan 1995-2011 in principle there are few planning policy reasons to resist residential development on this site. The southern and most public facing boundary of the site is well developed, with the club house, the coaching building and a hard surfaced car park. This part of the site is already developed land. The NPPF supports the effective use of land by re-using land that has previously been developed (brownfield land (para 111)). Use for residential purposes would be consistent with the predominant uses in the surrounding area and would not be out of keeping with the overall character of the area.

The remainder of the site is laid out as the first and eighteenth tees. There are views across the site from both Dartmouth Road and Bascombe Road. This part of the site is managed as part of the golf course and has a limited contribution to the landscape character of the area as it is artificially managed land. The strength of the visual contribution to the surrounding area is in the mature trees around the perimeter of the site, and these are proposed to be retained. In addition there is no public right of access to the land and therefore the amenity contribution is limited to views across the site. Therefore, although this portion of the site is Greenfield land, it is of limited amenity

value.

In the Torbay Local Plan 1995-2011 land to the east is designated as countryside zone and is subject to Policy L4 in the Torbay Local Plan 1995-2011 which seeks to protect the loss of open countryside and resist the creation of urban sprawl. Strategically this land to the east forms a green corridor which separates developed areas. In contrast the application site is surrounded by developed land and its retention as part of the golf course has a limited contribution in landscape terms. It would be difficult to argue that its retention as undeveloped land would be essential to the amenity of the area.

Policy H2 in the Torbay Local Plan 1995-2011 is relevant to new housing on unidentified sites, although it deals primarily with sites of less than 0.4ha. It describes what is required of new unidentified housing sites in terms of their location and function. This site has good public transport links with the bus service along Dartmouth Road and the cycle route along Bascombe Road. There is also a footway along Dartmouth Road. There are primary and secondary schools within walking distance. Within Galmpton there are local facilities such as a post office and doctor's surgery. There is a pharmacy and library within 1000 metres of the site. The predominant character of the surrounding area is residential and a residential use on this site would have limited effect on the overall character of the area.

As such it is concluded that the development of the site for residential purposes is acceptable in planning policy terms, being consistent with the NPPF and Local Plan policies.

#### **Design, appearance, layout and density -**

The application is submitted in outline with all matters reserved apart from access. Layout and elevation plans have been submitted to demonstrate how the proposed number of units could be provided on the site. At this outline stage it is appropriate to consider whether in principle the site would be capable of development with the number of dwellings proposed. It would be inappropriate to become overly involved in the specific design of the development at this stage.

Policies H9 and H10 in the Torbay Local Plan 1995-2011 seek to promote a high standard of design that takes account of the defining characteristics of the environment. These policies are consistent with the NPPF, which promotes high quality and inclusive design and identifies this as a key aspect of sustainable development.

At pre-application stage the proposed layout was considered by the Design Review Panel. The Panel concluded that a more profound urban analysis was needed to understand the constraints and opportunities on the site within a more sensitive assessment and appreciation of the context to demonstrate that the site could deliver a sustainable community.

The proposed density of development for the residential element of the site would be 24 dwellings per hectare, and the extra care homes would be 84 dwellings per hectare producing a combined density of 31 dwellings per hectare. This density of development by current standards is considered relatively low.

Policy H10 states that housing schemes should be developed at maximum densities. However, the prevailing context is also an important planning consideration and there

are no minimum density requirements for new developments set out in national or local planning policy. The surrounding area is largely low density development and therefore it would be appropriate for the densities on this site to be relatively low. At an average of 31 dwellings per hectare it is considered that the density afforded to the development strikes an appropriate balance between the desire to make the most efficient use of the site and the need to ensure that the development fits into its wider context. The indicative layout plans also demonstrate that the development can deliver on its ambitions for contextual design, providing for reduced densities at the periphery of the site, which relates to the lower density context of the surrounding environment.

The principles of the layout on the site are the lowest density at the northern end adjacent to Bascombe Road and the highest density towards the southern end. Generally this proposed form would work well on the site. The larger detached houses at the northern end would be compatible with the established form of development at Bascombe Road. There would be an opportunity for the dwellings on the northern boundary to be turned to front Bascombe Road, however this would be addressed when a reserved matters application was submitted. The main areas that would require further attention are the legibility through the site, particularly at the central junction within the site and the form of development along Dartmouth Road. There was concern at the density of development along this southern frontage and whether it would constitute high quality development that would enhance the appearance of the area. A revised layout has been submitted which shows the height of a number of dwellings reduced from two storeys to one and half storeys and the number of dwelling reduced by changing semi detached dwellings to detached dwellings. Although this revision would improve the form of development there is potential for further space between the dwellings. To offset a reduction in density on this part of the site there would be the potential to increase the density of development along the Avenue adjacent to the railway. This could be achieved at reserved matters stage and officers are satisfied that the information submitted with the outline application is sufficiently satisfactory in relation to layout and design.

#### **Highways -**

The proposal would result in the majority of the dwellings being accessed from Dartmouth Road, with five dwellings having vehicular access from Bascombe Road. Pedestrian and cycle access would be provided through the site. It is noted that the existing club house is accessed from Dartmouth Road and currently generates vehicular movements to and from the site.

In support of the application a Transport Assessment and Travel Plan have been submitted. These relate to both the residential and club house applications and the data is based on the implementation of both applications. The impact of the residential development is not separated from the golf club application. The Transport Assessment concludes that the “likely additional traffic associated with the proposed residential development is capable of being accommodated on the existing highway network without the need for highway improvements”. This point is not strictly correct because subsequent remodelling work has been based on the Windy Corner junction being improved. The Windy Corner junction improvement was recommended for approval by the Transport Working Party on 29th March 2012.

The Senior Transport Planner advised that the originally proposed pedestrian footway on the Bascombe Road bridge should be deleted and this has been done by the applicant.

Additional modelling work based on real time information at Windy Corner and considering the committed development at Noss Marina was requested in the Transport Assessment. Two addendums to the Transport Assessment have been submitted. The second addendum concludes that the impact of the development on the following junctions would be negligible:

- Churston Road/Brixham Road/Alston Lane Crossroads
- Dartmouth Road/Kennels Road Priority Junction.

Other conclusions are that the proposed residential site access will operate within its economic design capacity. The Dartmouth Road/Greenway Road/Bridge Road staggered priority junction with the addition of the committed development flows would take the operation of the junction above its theoretical capacity with increased queuing and delays predicted on its side arms. However it is stated “the introduction of the additional traffic flows associated with the proposed development sites leads to little difference in comparison with the 2016 base plus committed development flows scenario”. The likely increase in overall traffic flows through the junction will be small at a 0.1% increase during the am peak and 0.3% increase during the pm peak.

The modelling for Windy Corner shows that with the improvements the junction would operate within capacity (the degree of saturation on all arms would remain below the desirable 90% at all times). The proposed development traffic would account for a 2.9% increase and 2.6% traffic increase during the AM and PM respectively. However, even in the absence of the improvements at Windy Corner there is isn't sufficient transport impact on the highway network, and in particular Windy Corner to justify refusal on the grounds of highways impact.

In accordance with the SPD “Planning Contributions and Affordable Housing: Priorities and Delivery” a contribution towards sustainable transport of £260,510 is applicable to offset the impact of the development. The Senior Transport Planner has requested that £210,000 of this is spent on upgrading the cycle route from Bascombe Road via America Lane to Brixham. The remainder of the contribution to be used to complete the missing cycle link between Manor Vale Road and Churston Road with a 3 metre shared use path, and upgrading lighting in the underpass between Bridge and Greenway Road.

A Travel Plan has been submitted in support of the application which aims to minimise the number of car journeys made from the site, to promote travel by the more sustainable modes of transport and to manage the overall transport impacts of the development. It includes a number of targets to reduce dependence on the use of cars and measures to promote and encourage alternative methods of travel.

#### **Landscape -**

The Council's landscape officer has confirmed that the proposal retains the important edge groups of trees in situ. He has raised concern that there would be the potential for a poor relationship along the eastern boundary with both the extra care home and dwelling houses due to their proximity to existing trees. There would be the potential to compromise the use of rear amenity space which would lead to consequent pressure to fell the trees. Consideration would need to be given at reserved matters stage when the layout of buildings is agreed as to whether the leylandii trees should be removed and replaced with more suitable species. It is also advised that planting of different species with wider landscape value should be used along the Dartmouth Road frontage. This point is emphasised by Natural England who suggest that the potential to enhance

biodiversity should be considered in the area of public open space.

### **Ecology -**

The ecological report for the site is at Appendix 6.8 of the Environmental Statement. An extended phase 1 Habitat Survey was carried out which identified potential for a number of protected species and recommendations were made for a series of further surveys that included bats, Cirl Buntings and other breeding birds.

Following the additional survey work the following conclusions are made in the Environmental Statement:

#### *Bats -*

The site falls within a key sustenance zone as identified in the Natural England Guidance for the South Hams Special Area of Conservation (SAC). However, the site is likely to be of limited value to foraging Greater Horseshoe Bats because they need unlit habitats including permanent pasture grazed by cattle, hay meadows and wetland features as well as interconnecting linear features such as species rich hedgerows. The application site comprises intensively managed golf course grassland (tees, greens and fairways) surrounded by a largely urban environment (including residential properties to the east and west and a well lit road to the south). The Torbay-Dartmouth railway line which falls immediately off site to the east was identified as a suitable commuting/foraging corridor for Greater Horseshoe bats.

In the surveys it was found that the level of bat activity was low and the site is considered to have limited value for bats. No Greater Horseshoe bats were recorded using the site. Most activity was concentrated around the site boundaries (particularly the eastern boundary). The features along the boundary are due to be retained and protected as part of the proposed development. Any light spill from the development onto the foraging/commuting corridor along the railway line has the potential to disturb bats using the corridor. Measures have been incorporated into the design to avoid this impact. The linear band of coniferous trees that abut the boundary are to be retained. Close timber boarded fencing will also be erected between residential properties and the eastern boundary which will further protect from light disturbance. In addition any lighting required on the site should be kept to a minimum and where essential be low level and directed away from the railway line. On the basis of the above measures the ES concludes that the impact on bats as a result of the development is expected to be negligible. Officers concur with this conclusion subject to suitable boundary treatment and lighting conditions.

#### *Cirl Buntings -*

No Cirl Buntings were found to be present on the site during surveys and habitat on the site is considered to have very limited potential for the species. There is however the potential for impacts on Cirl Buntings in the surrounding area for example through an increase in people using local green spaces recreationally (where Cirl Buntings may reside). New residents could also bring cats to the area which could predate upon birds including Cirl Buntings. It is suggested that new residents should be made aware of the importance of protecting Cirl Buntings through a nature conservation sheet which could include recommendations for cat owners such as fitting collars.

#### *Other birds -*

The breeding and wintering bird surveys concluded that the bird assemblages across the



site are unremarkable with those species recorded generally being common and typical of urban/garden habitats. The areas of most value for breeding birds are the peripheral areas and boundary features which will be retained. In order to avoid adverse impacts on breeding birds it is preferable for all vegetation clearance to be undertaken outside the normal bird breeding season (March to September).

New hedgebanks and tree/shrub planting to include native species of local provenance will be incorporated into the scheme design which will provide additional foraging and nesting areas. Nest boxes on trees and houses are also proposed.

#### *Badgers -*

An old outlier badger sett thought to now be in use by rabbits is present along the eastern boundary of the site. Badgers are highly mobile and can re-colonise old setts. It is recommended that the status of the sett is monitored 3 months prior to the start of any works on site to determine if there has been any activity and whether mitigation and a licence application (which is determined by Natural England) will be necessary.

#### *Reptiles/Amphibians -*

Suitable habitat for reptiles/amphibians is limited and restricted to a few small areas of brash/piles for grass cuttings and scrub along boundary features. The ES contains recommendations for vegetation clearance.

#### *Non statutory designated sites -*

Part of the Galmpton Common County Wildlife Site(CWS) falls immediately to the north of the site and designated for its herb-rich calcareous grassland and woodland habitats. New residential development could lead to increased recreational pressure for example by heavy tramping and dog fouling which can lead to a loss of species diversity. To avoid such impacts it is proposed that new residents are made aware of the importance of Galmpton Common for wildlife through a nature conservation wildlife sheet.

Part of the Torbay-Dartmouth OSWI falls immediately adjacent to the site to the east and is described as an important wildlife corridor with species rich grassland. As the gardens of the residential properties will abut the boundary there is potential for dumping of garden waste/materials which could smother species rich grassland habitat. To avoid this a close boarded timber fence will be erected along the boundary and new residents should be made aware of the importance of the OSWI as an important local wildlife resource through the conservation wildlife sheet.

In their consultation response Natural England support the mitigation and enhancement measures suggested above and recommend that they are conditioned as part of any planning consent. The RSPB support the provision of nest boxes and recommend landscape planting to be nectar rich or berry producing species to provide food for insects and birds.

The NPPF seeks new development to conserve and enhance biodiversity. The measures identified above seek to address this objective.

#### **Economic Impact -**

A Economic Impact Assessment submitted by the applicants links the two planning applications and, as such, doesn't disaggregate economic benefits associated with just the residential development. However, it is evident there will be economic and

employment benefits locally through demolition of existing buildings on site, construction of new homes and extra care facility, employment of people in the extra facility, operation/maintenance of the care facility, maintenance of new homes and spend from occupiers of new homes. New Homes Bonus from the development will also be spent on public services and improvements to local infrastructure.

#### **S106 Contributions and Affordable Housing-**

In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are required to offset the impact of the proposed development on existing infrastructure:

Waste Management £5035  
Sustainable Transport £260,510  
Education £100,650  
Lifelong Learning £34,990  
Greenspace £145,924  
Total £578,095

The Sustainable Transport contribution would be spent on upgrading America Lane to a bridleway along its entirety, completing the shared use path on the A3022 from Churston Road to Manor Vale Road, completing missing cycle link between Manor Vale Road and Churston Road with a 3 metre shared use path, and upgrading lighting in the underpass between Bridge Road and Greenway Road.

Lifelong Learning contributions would be spent on capital investment at Churston Library. The Education contribution would be spent on increasing provision at White Rock and Roselands schools and the Greenspace contribution would be spent on the public rights of way improvement plan and the SW Coast Path.

Affordable housing would be provided in the Extra Care facility. Occupancy of this accommodation would be age restricted. The operation of the facility would be similar to Dunboyne in Torquay. It is proposed that a minimum of 50% of the units would be rented accommodation. The Affordable Housing coordinator has advised that Torbay has an aging population which is only set to increase. The Council has agreed that extra care housing is a strategic priority for the provision of housing for older people and it is predicted that there will be a shortfall in this type of accommodation. There is a target to deliver 200 extra care units by 2013. This site is particularly suited for this form of accommodation and coupled with the wider mix of family housing on the site it is considered that this will provide an appropriate mix of tenures and types and sizes of properties. The provision of 30% affordable housing in the form of the extra care facility is considered to be appropriate in this particular context and fulfils objectives to deliver sustainable development, to provide for Torbay's housing needs and to provide affordable accommodation for the frail elderly.

#### **Climate change -**

The location of the site is sustainable in terms of provision of public transport facilities and opportunities for walking and cycling. There are facilities such as schools and shops within walking distance. In the design and access statement consideration is given to creating a sustainable form of development. This essentially relies on compliance with existing regulations such as current building regulations and installation of water meters. The proposed measures are disappointing and lack innovation and a

proactive approach to new forms of sustainable development. There is an opportunity for the sustainable credentials of the proposal to be improved and this should be considered at the reserved matters submission stage.

### **Conclusions**

In conclusion, although this application is intrinsically linked to application 2011/0838 for the new golf club house, the two applications should be determined on their own individual merits.

The proposed development has generated significant levels of opposition from local residents and also some in support.

However, given the conclusions reached to the key issues highlighted above, the principle of residential development on this site would be consistent with policies in the Torbay Local Plan 1995-2011 and the NPPF. There is no protective environmental or other designation relating to the site in the Torbay Local Plan 1995-2011. The predominant character of the surrounding area is residential and the proposal would not have an adverse impact on the character of the area. The proposed density of development could be accommodated on the site without detriment to the amenity and character of the area. The actual design and layout of the dwellings on the site would be considered at reserved matters stage and are not matters to be addressed at this stage.

The levels of traffic generated by the proposal could be accommodated by the highway network.

The proposal could contribute to the supply of housing land in Torbay in order to meet the 5 year supply for demonstrable housing need. The site is in a sustainable location and is partly brownfield, with its most prominent element (along Dartmouth Road) being essentially developed already.

In order to achieve a high standard of development there is scope for further work to be carried out on the design of the proposed development and the quality of the landscape scheme. It would be encouraging to see an innovative standard of sustainable forms of building incorporated into the development and consideration of a less pastiche form of elevation design that could raise the quality of the scheme. Given the time lag between any grant of outline planning permission, and delivery of the development on site, it is expected the design of the proposal will change, including the environmental performance of properties on site.

The proposed residential scheme would have the potential to achieve a sustainable form of development as defined in the NPPF. There would be an economic benefit from construction, occupation and operation of the development and from the New Homes Bonus. The proposal would provide a mixed community through the provision of a range of house types on the site. The provision of affordable housing would meet a local need for housing older people. There would be potential for meeting rooms and facilities in the extra care home to be made available to the local community for activities which would increase community interaction.

Finally, through additional work (as set out in this report) the proposal has the potential to improve biodiversity and ecology. An objective in the reserved matters submission would be to see a demonstrable commitment to adapt to climate change and embrace

low carbon initiatives.

**Conditions schedule**

Reserved Matters approval required

Cycle parking

Bin stores

Approval is for the a maximum of 90 dwellings and 42 extra care units

Tree protection

Landscaping schemes required (hard and soft)

Parking and access to be provided prior to the first use of the relevant dwellings

Phasing plan required

Flood risk methodology to be agreed

Lighting condition

Wildlife management plan

Travel Plan

Finished floor levels

Bird boxes

Materials

No through vehicular access

Details of play area

Contaminated land survey

Sustainable Urban Drainage

Details of boundary treatment, including buffer along railway line to protect nature corridor

**Relevant Policies**

-

**Application Number**

P/2011/0838

**Site Address**

Land At Churston Golf Club  
Dartmouth Road  
Brixham  
Devon  
TQ5 0LA

**Case Officer**

Mrs Helen Addison

**Ward**

Churston With Galmpton

**Description**

Change of use of agricultural land for use as a golf course; part demolition of existing wall in conservation area, development of a clubhouse ,car park and golf trolley store ; a new vehicular access and road from green lane ; a new practice area with associated small building and practice putting green; and works to form three replacement tees, fairways and greens; all associated infrastructure engineering works and landscaping THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE LOCAL PLAN

**Executive Summary/Key Outcomes**

There are a number of key technical and non-technical issues Members should consider in determining this application. These are summarised below and considered in more detail in the main body of the report.

**Nature of application**

The proposal for change of use of agricultural land, new clubhouse, parking area and access, and new practice area etc is linked to the proposal for a residential development on the 1<sup>st</sup> and 18<sup>th</sup> holes in terms of delivery of the two proposals, but not in terms of determination. This application must be determined on its own merits, although Members must be mindful of the fact that one application cannot proceed without the other in terms of delivery.

This major application site covers some 14 ha's of land, to the east of Churston Village, in the AONB, Countryside Zone, Coastal Preservation Area and partly within the Churston Conservation Area. The proposal includes a new access, from Green Lane, and a new clubhouse which is larger than the existing clubhouse.

**Public interest in the proposal**

Members are aware of the significant scale of public interest in the applications. It is important to recognise the scale of opposition from local residents that the proposed development has generated, and the more limited amount of support for the proposals. Several thousand representations against the development have been received and are summarised in this report. In a survey of Churston, Galmpton and Broadsands residents, undertaken at pre-application stage, 94% of respondents objected to development on the site. The Community Partnership and RAGS have commissioned their own consultants reports, which have been presented to Members and argue against the proposed development for a number of technical and non-technical reasons.

**Planning history**

In 1974 the Secretary of State dismissed an appeal for extension of the golf course and new clubhouse. In 1986 two applications for a new clubhouse, alongside a redesign of the golf course and 200 parking spaces, were rejected by the Secretary of State. Decisions on all three proposals included reference to impact on the AONB, highway impact and rural character. Whilst we now operate in a very different legislative and policy regime, and as such these decisions carry little weight, it is worth noting that the value attributed to AONB, for example in supporting sustainable development, has increased in tandem with a greater understanding of the impacts of development on the natural environment.

### **Existing clubhouse**

Advice from the applicants is that the club house, built some 14 years ago, and fairways are not of a sufficiently high standard and major intervention is needed to stem a decline in membership and ensure the club remains viable. This is disputed by expert advice commissioned by the Community Partnership. Due to the mixed views on this issue, and as the Council is being asked to determine the application on its own merits, it is recommended that the need to relocate the club house and reconfigure fairways should carry limited weight in the determination of the application. However, the benefits and impacts arising from the proposal carry more weight in determining the application. .

### **Local Plan**

The Local Plan, even with publication of the National Planning Policy Statement (NPPF), is the starting point for determining this proposal. The Local Plan contains a permissive policy (Policy L1) and does not preclude development in the AONB. Policy L1 gives priority to conservation and enhancement in AONBs, making it clear that development can be approved where it supports the conservation and enhancement of AONB. It is not necessary to show social and economic wellbeing as a result of the proposal, although there is evidence in this case that the proposal does provide benefits. The text supporting Policy L1 ensures there is an assessment of need, impact on the local economy, meeting the need in some other way and impact on landscape and the environment. This assessment has been undertaken and is summarised below. However, it is considered the proposal would be acceptable if determined in relation to Local Plan policy L1.

### **National Planning Policy Framework**

Whilst the Local Plan is the starting point for decision making, the NPPF is more recent national policy. The NPPF (para 116) makes it clear that planning permission should be refused for development in AONBs, except in exceptional circumstances and where it can be shown to be in the public interest. This is a different policy approach than set out in the Local Plan. In this instance, the NPPF takes precedence over the local plan and carries significant weight especially in relation to a national asset such as AONB. Para 116 of the NPPF includes assessment criteria, which mirror those included in the text supporting Local Plan policy. As this development requires an Appropriate Assessment, under the Habitats Directive, the presumption in favour of sustainable development does not apply (para 119, NPPF).

### **AONB**

This major application relates to 14 ha's of land in the AONB, of which a notable element is new buildings, car park and access road. These features constitute new development in a tranquil part of the AONB and, although it is proposed to screen them with landscaping, it would take some time before such screening took effect. The NPPF is

clear that, for major applications in AONB the presumption should be to refuse development, except in exceptional circumstances and where it can be shown to be in the public interest.

### **Economic Impact/Profile of the Bay**

Information submitted by the applicant suggests that the clubhouse in itself has a relatively small beneficial economic impact. The greater economic benefits would be as a result of the Lee Westwood Golf School.

However, following submission of the application, the Golf Club has signed a conditional franchise agreement with the Lee Westwood Golf School, enabling the Club to deliver unique coaching products and services attracting golfers from a very wide area, nationally and internationally, with potentially significant economic benefits for the local economy of around £500,000 annually and around 21 jobs. This contract is subject to gaining planning permission for the new clubhouse and associated facilities.

Whilst economic benefits have been assessed by the applicant for a 25 year period, the conditional franchise agreement is for three years only. Whilst a three year commitment is clearly sensible from a commercial perspective, it is difficult to attach much weight in planning terms to the economic benefits of the Lee Westwood investment beyond three years.

However, it is evident that the presence of a Lee Westwood Golf School at Churston would boost the profile of the Bay significantly, both nationally and internationally. It is an opportunity that should not be denied other than for very good reason. It is evident that a refusal of permission will ensure there is little or no prospect of realising the benefits to the Bay that a Lee Westwood Golf School could bring. It is considered, by officers, that the proposed investment by the Lee Westward Golf School is capable of being considered as an exceptional circumstance.

### **Ecology**

The Appropriate Assessment of the development, under the Habitats Regulations 2010, makes it clear that mitigation measures proposed by the applicants “will ensure there are no impacts on the Greater Horseshoe bat foraging and commuting habitats.” The proposal will not have an adverse impact on the South Hams SAC. Natural England does not object to the proposals, having considered the Appropriate Assessment, evidence from the applicants and from RAGs. RAGs have also raised a number of points of law. Further advice is awaited from the Council’s Solicitor and Ecology Consultant, which will be reported at the Development Management Committee meeting.

### **Highways**

A significant amount of evidence has been submitted in relation to golf club traffic and its impacts on the highway network, specifically Green Lane and Bridge Road. This information is combined with the assessment of the residential proposal and concludes that both developments will have a minor adverse impact on the surrounding road network. Mitigation of these impacts is addressed through Travel Plans and off site highway improvements.

In relation to Green Lane, the evidence shows an increase of approximately one extra vehicle every 3 minutes during the Golf Club’s peak hours. This equates to 18 per hour or between 150 – 200 movements per day. The objectors maintain this level of increase

could have a significant impact on the character, peace and tranquillity of the area, including the conservation area, and on highway safety. In addition, the size of the club house, car park and restaurant indicates the clubhouse will be used for a functions and events, potentially attracting around 130 cars, which could also have a significant impact on the character of the area. Indeed, evidence from RAGS suggests that a clubhouse of this size will require significant revenue support to ensure it doesn't become a burden on the Golf Club. Furthermore, there has been no assessment by the applicant of the impact of delivery and service vehicles accessing the club house. That assessment has been requested and further information will be reported at the meeting.

### **Alternative locations**

In accordance with policy, the applicant has undertaken an assessment of alternative sites, on and off the site of the golf course. Six options for the location of new clubhouse, including the existing location and a site just on the south side of Bascombe Road, were considered as part of pre-application analysis. Further options, including land (identified for sports hub/recreational purposes) between Brokenbury Quarry and Bascombe Road, were considered following submission of the application. The criteria for options analysis included AONB impact, landscape and ecology, visual amenity, accessibility, relationship with existing settlements and optimising potential of the golf course. This assessment concluded other alternative locations were suitable on environmental criteria. The site chosen best meets the long term needs of the golf club. It is considered, by officers, that the proposed siting of the clubhouse provides a suitable location for the facility.

### **Public Benefit**

It is evident from representations that many members of the local community, particularly in Churston, Galmpton and Broadsands, do not consider the proposals are in the public interest. However, Members should consider the impact of the proposals in relation to the Bay as a whole. Whilst there are some negative impacts, it is evident the proposal does help deliver necessary housing, including affordable housing, conservation and enhancement of the AONB, economic benefits and a range of improvements in the public interest via S106 requirements.

### **Recommendation**

Subject to further advice from the Council's Solicitor, ecology consultant and Senior Transport Planner, conditional approval of planning permission, subject to the completion of one or more S106 legal agreements in terms acceptable to the Executive Head of Spatial Planning, within 6 months of the date of this committee. The S106 agreements will include the Landscape and Ecological Management Plan and a monitoring programme.

### **Site Details**

The application site relates to 14.041 hectares of land to the east of Churston Village. The majority of the site is used as part of Churston Golf course, with the southern part of the site in agricultural use (grazed pasture). A report submitted by the Community Partnership advises that the golf course was designed by Harry Holt, one of the UK's most famous golf course architects.

Access to the site would be opposite Green Lane. The only built form on the site is a derelict stone built sheep pen/croft and, in general terms, the site is quite open, as expected for a golf course of this nature. Across the majority of the site ground levels



fall from the north west to the south east.

The site is adjacent to Churston village, Churston Court Farm, which has a number of listed barns, the Church and the Churston Court Inn.

In the Torbay Local Plan 1995-2011 the site is shown as being within the Countryside Zone, the Coastal Preservation Area, the AONB, part within the Churston Conservation Area and there are wildlife designations. A small area of the site adjacent to Green Lane contains a sycamore and Lime tree covered by TPO 1970.01

### **Detailed Proposals**

The application is submitted in full for the construction of a new clubhouse, 128 space car park with parking for 2 coaches, access road and practice coaching building. The principle is for the new club house to replicate the existing facilities on the Brixham road site. According to the Design and Access Statement submitted by the applicants, the current club house has a floor area in excess of 1000m<sup>2</sup> and the proposed new clubhouse would have a floor area of 1240m<sup>2</sup>. A report submitted by the Community Partnership states that the Valuation Office records show the existing club house having a floor area of 733 m<sup>2</sup>. The proposal also includes the creation of two new golf holes and the adjustment of existing holes including wetland areas. The proposed new coaching building would incorporate buggy storage.

The proposed club house would be part 2 storeys and part 1.5 storey and would be partly set into the ground. It would have a partially curved form. The roof would comprise a series of shallow pitches and would be a green roof, planted with wildflowers and grass. The walls would be finished in stone cladding and larch panels. There would be balconies on the north elevation which would be finished in galvanised steel. External windows and doors would be aluminium.

The proposed coaching building would be finished with larch cladding with an exposed timber frame. The roof would be farmscape profiled roof cladding. It is proposed that the new access road and car park aisles would be finished in tarmac and the parking bays in gravel.

The applicant advises that the principle of the proposed development is to create a better, closer relationship between the clubhouse, the practice facilities and the rest of the course allowing the course to accommodate two loops of nine holes with easy access to the clubhouse. The Planning Statement, submitted with the application, advises that an internationally renowned firm of golf architects have advised on the proposed redesign of the course, so as to make it more challenging for good golfers and more flexible for the average player. Since the application was submitted the Club has signed a conditional franchise agreement with the Lee Westwood Golf School which will enable the Club to deliver unique coaching products and services. This franchise is subject to gaining planning permission for the proposed golf facilities.

This application has been submitted separately to application reference P/2011/0829 for residential development on the site of the existing club house. The applicant advises that the two applications are linked because the proposals the subject of this application would not be viable unless planning permission is granted for the proposed residential development. Similarly, the residential development cannot be delivered unless an acceptable site is found for a new clubhouse and associated facilities. The applicant

advises that the proposals relate to Churston Golf Club's ambition to become a premier golf club which requires the provision of more attractive facilities. According to the applicants, the development is required to stem a decline in the club's membership, secure the clubs long term future and to promote the long term stewardship of the AONB. The two application sites are physically separate, approximately 0.8 miles apart.

The application has been advertised as a departure from the Local Plan. An Environmental Statement (ES) in accordance with the EIA Regulations has been submitted, and this covers both this proposed development and the proposed residential development under application reference P/2011/0829. A non technical summary has been submitted as part of the Environmental Statement.

An Appropriate Assessment under the Habitat Regulations 2010 has been carried out by an Ecological Consultant employed by the Council, as Greater Horseshoe bats are present on the site. This concludes "taking into account the mitigation measures now proposed with the application (all of which will be secured through appropriate mechanisms)", it is considered that the development will not result in any adverse residual effect on the integrity of the SAC".

#### **Summary Of Consultation Responses**

South Hams District Council - no objection, advises the South Devon AONB should be consulted and a full and individual cumulative assessment is made of the impact of the development on the South Hams SAC.

South West Water - no objection

Environment Agency - no objection in principle, it is important that sustainable urban drainage techniques are used. Recommends a condition requiring details of a surface water management scheme be submitted.

Drainage and Structures - no objection in principle, but as part of the detailed design works for the surface water drainage system the developer must carry out trial holes and infiltration tests as the locations of the proposed soakaways. These infiltration tests are required in order to confirm that the ground conditions are suitable for soakaways and the tests will be used to design the required soakaways.

Torbay Civic Society - support the proposal.

Senior Historic Environment Officer - No objection, following the submission of the archaeological evaluation and subsequent report.

RSPB - It is essential that offsite habitat is secured and managed to provide appropriate compensation for on site losses. Seeks confirmation that management of the site is secured via a S106 agreement should planning permission be granted.

Sport England - We have provided an 'in principal consent' for the proposal to go ahead due to a net increase in usage for the Golf course and facilities. A bigger pavilion and increased coaching areas, efficiently designed are in the best interest of sport and long term sustainability of the Club.

Devon and Somerset Fire and Rescue Service - no observations

South Hams AONB Office - This is a complex case with a range of conflicting issues to balance. The construction of the new clubhouse and associated works in the open countryside does not itself conserve and enhance the AONB, and given the fragility of the undeveloped countryside resource in this area, its appearance here is not something which would, on the face of it, merit support. However, it could be that this development may provide the essential key that would underpin and guarantee the sustainable long term stewardship of the site as a whole, if it demonstrably delivers a worthwhile and comprehensive programme of landscape and habitat enhancements and conserves the informal open character of the site as a whole through well planned and appropriate management practices in perpetuity. Further work would be needed to the scope and detail of the outline Landscape and Ecological Management Plan to ensure an acceptable level of benefits.

Arboricultural Officer - the proposals are suitable for a recommendation of approval on arboricultural merit. Lists a number of matters to be addressed prior to commencement.

Green Infrastructure Coordinator, on behalf of Torbay Coast & Countryside Trust - From a Green Infrastructure perspective the on-going management of the entire golf course presents an opportunity to enhance both biodiversity and landscape character. As the positive impact of the development on the whole site is being considered in planning it is important that a thorough, realistic and binding management plan is agreed as part of the application.

Landscape Officer - Both the Torbay Landscape Character Assessment and the Brixham Urban Fringe Landscape Study acknowledge the already altered nature of the present landscape and identify that the site is screened from views across the bay by woodland (Marridge Wood) drawing the conclusion that the landscape could accommodate some change. In management terms it recommends restoring the landscape which is exactly what the proposed landscape planting proposals do by specifying native tree and shrub species throughout.

CPRE - objects to the application for a number of reasons including adverse impact on the landscape, biodiversity including greater horseshoe bat, cirl bunting, dormice and slow worms, light pollution, no public transport, insufficient car parking, crosses Riviera Coastal Walk, Greenway Walk and John Musgrave Heritage Trail and two previous enquiries have been rejected.

Senior Transport Planner - The normal day to day use of the club doesn't result in sufficient transport impact on the highway network, in particular Windy Corner, to justify a refusal on highway grounds. However, further information has been requested in relation to the impact and potential controls over events at the club and servicing of the club. Requests S106 contribution of £210k to upgrade America Lane bridleway along its entirety for cycle use, and a contribution towards completing the shared use path on the A3022 from Churston Road to Manor Vale Road.

Natural England - extensive consultation has been carried out by the applicants with Natural England during consideration of this application. Advises that "on the understanding that these final amendments are made to the HRA and you are in a position to address the outstanding comments provided in my email dated 24th May, I can confirm that Natural England does not object to the proposals in principle"

Brixham Town Council - recommends the application be refused as it impacts on the landscape, Impact and the effects on the AONB, traffic and highways safety, departure from the Local Plan.

### **Summary Of Representations**

Prior to the submission of the application the applicants carried out public consultation. A statement of community engagement has been submitted in support of the application. Public exhibitions were held in Brixham and Churston in September 2011, in order to secure a better understanding of community concerns and better understanding by the community of the proposals.

There has been a considerable volume of representations received, primarily objecting (approx 760) to the application, but also some in support (approx 380) of the application.

Points made in support of the application include:

- Provides facilities
- Makes tourist facilities better
- Provides/retains jobs
- Trees and wildlife enhanced
- Provides houses
- Removes an eyesore
- People will travel to play a course of distinction
- Will enable golf club to flourish
- Designs are sympathetic to local area

Points made in objection to the application include:

- Adverse Impact on local area
- Development is in an AONB
- Construction of a large building and tarmac car parks not compatible with AONB designation
- Noise
- Not in keeping with local area
- Sets precedent
- Traffic – lanes in the vicinity are not designed for the traffic that would be generated by the clubhouse.
- Roads are narrow
- No footpaths
- Detract from peace and quiet of the area
- Loss of coastal green belt
- Increase in traffic will dissuade tourists from taking the many walking trails that pass through the vicinity
- Serious departure from the local plan
- Rural character of Churston village demands protection
- Detrimental effect to trees
- Impact on wildlife
- Traffic congestion
- Additional traffic passing through Windy Corner will cause even greater snarl ups and delays
- Set an appalling precedent for development of green belt land

- Golf club will make money from proposal
- Not believable that golf club are in financial crisis
- The only benefits accrue to a small private club who already have good up to date facilities
- Will totally change the village of Churston forever
- Club house is positioned in the correct location, easily accessible on the main road.

In addition the following further responses have been received:

- 1008 objection cards have been received from RAGS (Residents Against Golf Club Sell-Off), a local action group.
- 502 pre-application responses were received from the Community Partnership, following a questionnaire to all households which was undertaken prior to formal submission of the application and in relation to a slightly different scheme to that now being proposed. Nonetheless 472 households (94% of respondents) were against the development.
- A large number of letters of representation were also received prior to the submission of the application.

The Community Partnership and RAGS have together recently submitted a number of reports covering matters such as planning, ecology, highways, economic impact, environmental impacts and assessment of the viability of the existing and proposed golf clubs, impact on AONB and alternative approaches. The key concerns of these organisations are:

- Impact on the character and appearance of the nationally important (AONB) landscape;
- Lack of exceptional circumstances necessary to justify the grant of planning permission for development in the AONB;
- Likely detrimental impact on the habitat of the Greater Horseshoe Bat;
- Unlawfulness of determining proposals until sufficient survey work undertaken to determine there is no reasonable scientific doubt about adverse impacts on the SAC;
- Detrimental impact on the character of Churston Ferrers Conservation Area and Grade 1 listed building;
- Inability of the road infrastructure to accommodate the traffic produced;
- Insufficient evidence to conclude the proposal won't have a detrimental impact on groundwater
- Prejudice the emerging Brixham Peninsula Neighbourhood Plan.

#### **Relevant Planning History**

1999/0592 Continuation of use for golfers practice area etc without complying with condition one of consent 97.0501 (i.e. use to cease 1.7.99) approved 12.7.99. This permission limits the number of parking spaces associated with the practice area to 5 spaces, in the interests of amenity and highway safety.

1997/0501 Use Of Agricultural Land For Golfers Practice Area, Form Pedestrian Access From Parking Area Adj. Green Keepers Buildings Off Links Close, Reinstate Wall

Opposite Junction Links Close/Green Lane, Landscaping approved 1.7.97

1984/1507 OA Construction of new golf clubhouse provision of parking for 200 cars, new access road and redesign of new golf course including provision of new holes in part of fields OS 6265 and 8075 appeal dismissed by letter from Secretary of State dated 11.2.86

1984/1508 OA Construction of new golf clubhouse provision of parking for 200 cars mainly on existing golf course adjoining Links Close. Re-designing of golf course including construction of practice fairway and new holes on part of OS 4957, 6265,8075 appeal dismissed by letter from Secretary of State dated 11.2.86

13936 Extend existing golf course by 16.22 acres, comprising OS nos. parts 4957, 6265 and 3075 and erection of new golf club house appeal dismissed by letter from Secretary of State dated 28.03.74

The following application is linked to this proposal;

2011/0829 RE-ADVERTISEMENT. Revision to reserved matters for which approval is being sought. (All matters reserved with the exception of proposed means of access) Demolition of clubhouse, outbuildings and car park and development comprising up to 90 dwellings, 42 bed extra care scheme (use class C3 Extra Care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (In Outline). THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE LOCAL PLAN- current application

### **Key Issues/Material Considerations**

The key issues relating to this application are set out in the Executive Summary of this report. The following sections add detail to that summary and cover the issues of previous planning history, principle and policy, development within the AONB, Ecology, Landscape, Highways and S106 contributions.

### **Planning history -**

There have been three previous appeal decisions relating to construction of a new clubhouse, new parking and extension/redesign of the course. Two of these were dismissed in 1986 and one in 1974 for reasons relating to impact on the AONB, highway impact and impact on the character of the area. Since these decisions were made there have been significant changes in legislation and Government guidance, the most recent being the new National Planning Policy Framework (NPPF) published in March 2012. As such those previous decisions carry little weight in determining the current application. Nonetheless, the value attributed to AONB, for example in supporting sustainable development, has increased, since those decisions were made by the Secretary of State, in tandem with a greater understanding of the impacts of development on the natural environment. Hence why the National Planning Policy Framework now includes a presumption against development in AONBs.

Planning applications have to be determined in accordance with the development plan (in this case the Torbay Local Plan 1995-2011), unless material considerations indicate otherwise and appropriate statutory requirements and EU obligations. The new National Planning Policy Framework is one of those material considerations.

### **Principle and Planning Policy -**

There are a number of relevant policies at a local and national level that need careful consideration. These policies support the proposal in some ways, for example in terms of investment in existing leisure facilities, but raise significant concerns in others, for example development in an AONB. It is important to recognise that development that is in itself unacceptable in an AONB (e.g. for design or highway reasons), is not made any more acceptable by exceptional circumstances and public benefit.

The proposal is for an investment in and improvement to existing leisure facilities, which is supported in principle by Policy R2 of the Torbay Local Plan 1995-2011 (subject to the proposal meeting a number of criteria). New investment such as this generally provides an opportunity to make a much needed positive contribution to the economy in Torbay, which is performing below the national average. Investment in these sorts of facilities, which form part of Torbay's tourism and recreational offer, are to be welcomed. In this instance the investment by Churston Golf Club is enhanced by the offer from the Lee Westwood Golf School, which will not only raise the profile of the golf course, Churston and Torbay, but is likely to bring significant economic benefits to the Bay and raise the profile of the Bay from a tourism perspective, albeit there can only be some certainty about those benefits for three years. It is considered, by officers, that the proposed investment by the Lee Westward Golf School is capable of being considered as an exceptional circumstance.

In this case as the application site is located within the AONB there has to be a consideration of whether the proposal would harm the amenity of the AONB, and meet other Development Management criteria such as highway safety and effect on the South Hams Special Area of Conservation (SAC). There is a lot of detailed and complex information that has been submitted in support of this application, by both the applicant and objectors, which is intended to enable an understanding of the impact of the proposal before a view can be reached on whether the proposal would be acceptable in this location.

An important paragraph in the National Planning Policy Framework (NPPF) to the determination of this application is Paragraph number 119 which advises that the presumption in favour of development that runs through the NPPF does not apply where development requiring Appropriate Assessment is being considered. In this case, because of the proximity of the site to the South Hams SAC, an Appropriate Assessment has been carried out and therefore the normal presumption in favour of sustainable development that should be applied to the determination of planning applications is not relevant in this instance.

### **Development within the AONB -**

It is important to recognise that designation of an AONB does not preclude new development. Development can be carried out in the AONB providing it complies with current policies and legislation. An example of this is the new Brixham cricket club house that has been built within the AONB following designation in the Local Plan of the need for a new cricket ground and clubhouse. The Local Plan makes no such designation for Churston Golf Club.

The NPPF provides a very important part of the policy framework under which this application should be determined. Para. 116 is relevant to development within the

AONB and states “planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest”. It advises that “consideration of such applications should include an assessment of:

- The need for the development, ... the impact of permitting it, or refusing it upon the local economy
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Policy L1 in the Torbay Local Plan 1995-2011 applies to development in the AONB. This states that within the AONB “development will only be permitted where it would support their conservation or enhancement or would foster their social and economic well being, provided that such development is compatible with their conservation”.

It can be seen that there is a difference between the approaches in the NPPF and the Torbay Local Plan 1995-2011. In the NPPF there is a presumption that development will be refused unless there is an exceptional circumstance and the proposal is in the public interest. In Policy L1 there is a presumption in favour of development and development doesn't have to support both conservation or enhancement and social and economic well being, it is only required for development to meet the conservation and enhancement objectives. However, neither para 116 of NPPF and L1 of the Local Plan, make unacceptable development in the AONB any more acceptable. Members will need to ensure the proposed development is, as a first consideration, acceptable in its own right, before considering whether exceptional circumstances and public interest over-rule the NPPF presumption against granting permission.

In this instance, the NPPF (Para 116) takes precedence over the local plan, as the NPPF has been published much more recently than the Local Plan and because it relates to a national asset – the AONB. As such the NPPF carries significant weight in the determination of this application.

However, it remains important to assess the proposed development against both Para. 116 in the NPPF and Policy L1 in the Torbay Local Plan 1995-2011, in order to reach an understanding of the impact of the proposal on the AONB.

Considering Paragraph 116 of the NPPF whether this proposed development can be considered as an “exceptional circumstance” is a complex debate, not least because there is no definition in the NPPF of an “exceptional circumstance”.

One consideration is that the application is, according to the applicants, inextricably linked to application reference 2011/0829 for residential development on the site of the club house. This would deliver 132 new dwellings which would contribute to the Council's five year supply of housing. In both the Wall Park and Scotts Meadow appeal decisions the Inspectors found that the Council was unable to demonstrate a 5 year supply of housing which is contrary to the requirement of Paragraph 47 of the NPPF. Without consent for the new golf clubhouse the residential development would not be deliverable. This is not a simple issue to consider as it raises the issue of whether this site is the only possible location for the club house. This issue of alternative locations for



the club house will be addressed in more detail below. The Council's Solicitor has advised that linking the provision of the new golf club house to delivering housing is unlikely to be given much weight at appeal. This is reinforced by the Wall Park decision, in which the Inspector acknowledged that the lack of a 5 year land supply was capable of being considered as an exceptional circumstance, but also found that the development was unacceptable in its own right. So, the lack of a 5 year housing land supply is capable of being considered as an exceptional circumstance, but it does not make unacceptable development in the AONB any more acceptable.

Para. 116 also requires development in the AONB to be in the public interest. The principle of providing improved facilities and improving the viability for a private members club such as Churston Golf Course could be argued not to be in the public interest, as there would be no overall gain for the local community given the golf facilities would not be accessible to everyone. However, as part of the development, the applicant has agreed that the entire golf course (some 31 hectares) will be subject of the Landscape and Ecological Management Plan (LEMP) which will specify in considerable detail how all the golf course land will be managed to benefit both landscape and ecology. This will include measures such as managing the rough grassland, hedges, trees, screening and lighting. The golf club are prepared to sign a S106 agreement that will contain details of how all these features will be managed in perpetuity. This would be a significant benefit to the AONB as it will ensure the golf course land it managed in the most effective way and gives a long term assurance that this area of land in the AONB will be appropriately managed. In comparison with the 'do nothing' scenario this would be a significant benefit to the quality of the AONB and is, as such, in the public interest.

Paragraph 116 has three bullet points (stated above) which sets out the issues that should be considered in the determination of applications for major developments within the AONB. It is worth noting that the NPPF does not give any indication of the scale or acceptability of impacts, costs and effects. These impacts, and the weight attached to them, are a matter for the decision making. The assessment issues identified in the NPPF are highlighted in bold text below.

**a) the need for the development including the impact of permitting it or refusing it on the local economy.**

The applicant sets out the need for the development in Chapter 3.2 of the Environmental Statement. They argue that the existing facilities lack flexibility of use and are limited in terms of attracting (and keeping) members and visitors alike. Having the clubhouse, 1st and 18th tees on a separate parcel of land prevents the course being played as two loops of 9 holes and means the clubhouse is remote from many of the holes. Their proposal is to create a premier golf club following improvement of the course. Not implementing the proposals (the do nothing scenario) would lead to the further decline of the golf club and effect its long term viability. As such, it is suggested by the applicants, the current golf club and the benefits it brings to local members, fee paying guests and the impact that has on tourism, and the general attractiveness of the area are in jeopardy. A new premier facility, it is argued, would have the opposite effect on Torbay's economy.

RAGS have submitted a report from a professional golf course consultant who concludes that the Golf Club is a viable business at its current premises. He advises that the proposals would not be a reasonable way of enhancing the trading performance

of the golf club and suggests a more appropriate way to improve viability would be to drive revenue and control costs without spending major sums on ambitious capital expenditure projects. He also notes that the proposal would have no effect on 15 of the 18 holes on the course.

Due to the mixed views on this issue, and as the Council is being asked to determine the application on its own merits, it is recommended that the need to relocate the club house and reconfigure fairways should carry limited weight in the determination of the application.

A lot of work has been carried out on the impact of the proposed development on the local economy. The applicants have submitted two economic impact reports and RAGS have also submitted an economic report.

Since the application has been submitted the Golf Club have signed a conditional franchise agreement (subject to gaining planning permission for the new golf facilities) to become a licence holder with the Lee Westwood Golf School. This licence will entitle the Club to market and deliver a number of unique coaching products and services which will attract golfers from a wider area.

The economic report written by DTZ on behalf of Bloor Homes concludes that the proposed development would represent a significant boost to local employment, economic output and public sector finances. It identifies that the proposal would offer the opportunity to provide 65 net additional jobs in Torbay and 80 net additional jobs in Devon compared to the 'do nothing' scenario. The net additional effect of the proposed development on economic output would be £1.2m annually or £20.2 in NPV (net present value) terms over 25 years.

The Economic Impact Assessment submitted by RAGS concludes that the applicants have failed to show an economic benefit to their proposals. It is argued that the methodology adopted leaves important areas without proper consideration. This includes, in RAGS' view, impact on themed green cycling and walking holidays and certain economic benefits, such as New Homes Bonus, affordable housing and benefits deriving from occupation of new homes. These benefits, RAGS suggest, should not be included as they could be delivered by developing alternative sites.

The two proposed applications would inevitably result in increased investment in, and raised profile of, Torbay. The construction of both the residential development and the club house would generate a number of temporary construction jobs. New direct employment would be created at the Extra care facility and with the introduction of the Lee Westwood Golf School. There would be indirect impacts associated with visitors to the golf club spending in the local area. Barton Wilmore has suggested that £3.7m would be contributed to public services and infrastructure improvements as a result of New Homes Bonus and financial contributions through the S106 agreement. Clearly if the application was refused the majority of this investment would not take place.

It is argued by RAGS that the new homes and extra care facility could be provided elsewhere. Nonetheless, in officers opinion, investment by the Lee Westwood Golf School is capable of being considered as an exceptional circumstance. However, as such investment is only certain for a three year period (given contract arrangements between the Golf Club and Lee Westwood Golf School), and as such the economic

impacts would be much less than over the longer period, more limited weight should be attached to the economic impacts which, in turn, reduces the significance of the exceptional circumstance of Lee Westwood's investment.

On balance, it is considered that the need to relocate the clubhouse and reconfigure the fairways is not proven and carries little weight in determining the proposal. The impact on the local economy is, however, beneficial. This may be a small impact over the first three years of operation, but the benefits of the proposal to the economy and perception of Torbay could be significant.

**b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way**

The applicant has considered alternative sites for the location of the club house. Six alternative locations are assessed in the Environmental Statement. An additional three sites were considered in a supplementary document. The criteria for options analysis included AONB impact, landscape and ecology, visual amenity, conservation, accessibility, relationship with existing settlements and optimising potential of the golf course.

It was concluded, by the applicants, that no one of these sites was disadvantaged because of environmental impacts. In other words all options could be included. The preferred location chosen by the applicants was, as such, the one that best met the brief for long term success and viability of the golf club. Clearly there is relatively limited opportunity for alternative locations for the clubhouse, as the siting of the club house would need to be physically close to the golf course and be accessible.

It is likely that, if permission were refused for this application, the Lee Westwood Golf School opportunity would be lost, with consequent 'cost' to Torbay's economy and profile. Similarly the opportunity for enhancement of the AONB could be lost.

It is considered, by officers, that the proposed siting of the clubhouse provides a suitable location for the facility. There is very limited opportunity to meet the need for the clubhouse outside the AONB.

**c) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.**

The impact on the environment is a significant issue in the determination of this application. It is an issue on which a huge amount of work has been carried out and there is a lot of detailed information submitted in relation to the application. The impact of the proposal on ecology and the landscape will be considered below as they merit separate detailed consideration.

Following submission of considerable additional information it is concluded that the impact on ecology would be neutral and Natural England have raised no objection to the proposal.

The impact on landscape is a balanced assessment. The proposed development would be reasonably well contained within the landform and would not be overly conspicuous from the surrounding area. The proposed development would provide valuable

mitigation to the whole of the golf course land which would enhance this part of the South Devon AONB. However, it would constitute a further and major piece of built development in the open countryside which would have detrimental impact in its own rights and when considered cumulatively with other developments in the area, such as the new agricultural barns under construction.

The proposal demonstrates considerable effort has been made to moderate the impact of the development, through the provision of an off site mitigation area for bats, landscaping works and detailed information on the management of the all the golf course land. The proposed club house would have a green roof which would contribute to biodiversity in the area.

In terms of recreational opportunities the golf club is a private club for members and green fee paying visitors only. It does have a social role to play in that it provides sports and meeting facilities for the local community. There is also an opportunity for young people to play golf and the club has links to schools in the area. The contribution the club makes to the community is recognised by Sport England, who support the application and refer to conditions that were imposed when funding was granted for the existing club house that it be made available for wider sports and public use. The same conditions would be applied to the development of the new club house. It is recognised by Sport England that through this policy the clubs links with the community have been extended through engaging with a number of different user organisations.

Although membership is required to use the facility the golf club does provide a recreational benefit for users which would make a positive contribution to health and social well being of users.

As part of the S106 contribution £210,000 would be used to upgrade America Lane from Churston to Brixham to a cycle route. This would have a positive recreational benefit for a large proportion of the community.

#### **Ecology -**

The designation of the South Hams Special Area of Conservation (SAC) is relevant to the determination of this application. The Council has employed an Ecological consultant to screen the development under the Habitats Regulations 2010 for likely significant effect on a European site.

The conclusion of the screening is that there would be a likely significant effect.

The likely significant impacts are:

- Reduction in the area of foraging habitat available within the sustenance zone
- Disruption to flyways used by bats commuting to and from local foraging areas.

As there would be a likely significant effect it has also been necessary to carry out an Appropriate Assessment under the Habitats Regulations 2010. This is a detailed document that makes a comprehensive consideration of the application. The Appropriate Assessment for the proposal has concluded that the mitigation proposed by the applicants "will ensure that there are no impacts on the Greater Horseshoe foraging and commuting habitats. This mitigation will be secured in perpetuity through conditions and appropriate clauses in the Section 106 Agreement attached to any planning consent. It is therefore concluded that this proposal will not have an adverse effect on

the integrity of the South Hams SAC”.

The results from the bat surveys undertaken by the applicant indicate the application site is used regularly by Greater Horseshoe Bats for foraging, and that there are a number of important hedgerows that act as flyways across the site. The Ecological Impact Assessment determined that the extension of the golf course into farmland would result in the loss of areas of cattle/sheep grazed pasture important for foraging Horseshoe bats. Loss of permanently grazed cattle pasture is of particular significance for Greater Horseshoe bats as they are heavily dependent on the invertebrate prey that cattle dung generates. The fields in which grazing will be lost amount to an area of 4.36ha/10.76 acres. In order that the proposed development would not have a detrimental effect on ecology the following measures have been included as part of the proposal;

- An area to the west of the site of 4.35 ha/10.76 will provide replacement grazed pasture. The Churston Barony has agreed to manage this area in perpetuity for the benefit of Greater Horseshoe bats. The fields are currently used for silage/hay and aftermath grazing. (The management prescriptions for these offsite fields are detailed in the document “Offsite Mitigation Measures- Churston Barony Land April 2012)
- An additional area of offsite cattle grazed pasture will be provided and managed by the golf club which is located in between Churston Court Farm and the western boundary of the proposed development footprint. This area amounts to 1.15 ha/2.84 acres and replaces what is currently improved grassland, a horse ménage and wooden stable block. The golf club will be responsible for the management of the area under a Landscape and Ecological Management Plan (LEMP). (The total area of off-site replacement grazed pasture adds up to 5.5 ha/13.6 acres)
- The applicant has offered to provide and implement in perpetuity a Landscape and Ecological Management Plan (LEMP) to ensure that habitats under their ownership and the rare species they support are secure in the long term. The LEMP will not only cover the proposed development site, but the golf course as a whole, which covers an area of approximately 31 hectare.
- Management will be targeted towards two important species of conservation concern, which occur on the site, Greater Horseshoe bats and Cirl Buntings
- To facilitate the development various sections of hedges will be removed across the site. In response a range of measures to minimise the effect of hedgerow loss on foraging and commuting bats has been provided. Where necessary, measures will be implemented in advance of construction to provide alternative routes for bats. These measures are outlined in the Construction Environmental Management Plan (CEMP) and it would be appropriate to secure this by condition
- Two new bat roosts would be provided; one in the Sheep’s Croft (a derelict stone shed on the northern boundary of the site) and the other in the Lime Kiln in the quarry to the east of the site
- A light spill assessment has been submitted in support of the application that demonstrates that light levels within the bat commuting routes and foraging areas will not exceed 0.5 lux.

Natural England has been consulted on the Appropriate Assessment and advise that they do not object to the proposals in principle.

RAGS has submitted a considerable volume of ecological information in objection to the application. This includes a report by EPS Ecology which was taken into consideration when the Appropriate Assessment was carried out. The EPS report suggests that insufficient survey information has been submitted in support of the application and also identifies coastal caves to the north of the application site and suggests that these have the potential to be used by Greater Horseshoe Bats.

Natural England has been asked to comment on these points and they have advised that a) the coastal caves identified as providing potential roosting habitat is not based upon evidence and they do not represent typical roosting habitat for greater horseshoe bats, b) In any case, irrespective of their potential, the proposals will not interrupt commuting connectivity to these caves. Also, the caves are approximately 1.4 km from the proposed offsite mitigation land put forward specifically for foraging greater horseshoe bats. In conjunction with habitats retained on the development site and the enhancements put forward, it is unlikely that the potential roosts would be adversely affected by the proposals as a consequence of impacts upon foraging habitats, and c) the report recommends that spring and summer survey should be conducted. This is contrary to a previous suggestion in the report that the caves may provide winter roosting opportunities.

RAGS has also submitted a report by a Planning and Environmental Consultant who raises a number of points in law in respect of the Council's Appropriate Assessment. The Council's Solicitor and Ecological consultant have been requested to comment on the points raised.

#### **Landscape -**

The majority of the application site forms part of the manicured golf course landscape consisting of close mown amenity grassland, in open countryside (when viewed locally), that has limited value for wildlife. It is a managed piece of landscape within the AONB.

The Torbay Landscape Character Assessment, undertaken by consultants on behalf of the Council, states the site lies within the area of local character 1R Broadsands and North Churston and is described as:

"The Broadsands area is visible across Torbay, whilst the southern part near Churston is largely hidden by woodland which is an important landscape characteristic of this part of the coastal fringe; it also screens much of the manicured golf course landscape".

In relation to the capacity to accommodate change and mitigation potential, the Landscape Character Assessment states "the landscape structure of this area has become fragmented as a result of the development of the golf course and adjoining housing. It may be possible to accommodate limited small scale change in the south western part of this area which is screened from the coast by a combination of housing, landform and woodland".

In relation to a management strategy (Restore), the Landscape Character Assessment says "measures should focus on hedgerow enhancement including the establishment of replacement hedgerow trees, and planting of small copses".

In the Brixham Urban Fringe Landscape Study the site lies within landscape compartment 24: Churston Golf Course. This is a finer grained and more detailed

landscape assessment of the AONB around Brixham. It suggests proposed alternative management of:

- Encourage golf course to manage rough areas for wildlife
- Seek to bring farmland under HLS and restore orchard
- Ensure that native tree and shrub species are used within the course.

Both these landscape character assessments acknowledge the already altered nature of the present landscape and identify that the site is screened from views across the bay by woodland (Marriage Wood) drawing the conclusion that the landscape could accommodate some change. In management terms it is recommended that the landscape be restored.

In support of the application Chapter 5 of the Environmental Statement contains a comprehensive and detailed Landscape and Visual Assessment. It is supported by a number of verified visual montages showing long distance views across the site. Three additional montages were subsequently submitted, following concern from the community about visual impacts, showing views from Kennels Road, the South West Coast path near Broadsands and the South West Coast path east of Marriage Wood. The Landscape and Visual Assessment in the Environmental Statement concludes that the visual effects of the proposal would range between minor adverse and minor beneficial. The beneficial effects relate to the removal of horse shelters with associated restoration to horse pasture. The adverse effects relate to views of the proposed car park immediately following completion. In time as the proposed vegetation matures adverse visual effects will lessen.

The applicant has also submitted a section through the site and ground levels to the north towards the sea to show that the clubhouse would not be visible from the sea immediately to the north of the site and that the clubhouse would only be visible from the sea as some distance from the site.

In visual terms the application site is well screened from the surrounding area by existing woodland and higher ground levels around the site. The proposed club house would only be visible in long distance views such as Kennels Lane. Because of the distance from the site and the existing vegetation the visual montages show that it would be difficult to distinguish the club house in the distance and therefore there would be a low sensitivity to the development from the points where the clubhouse would be visible. It is noted that the proposed green roof would help to assimilate the development into the surrounding area.

In his consultation response the AONB Officer advises that the development site is reasonably well contained by the shape of the landform and tree belts, woods and hedges in terms of visual impact on the immediate vicinity and the extent to which the proposals would be seen from public viewpoints in close proximity. He advises that the landscape character of the proposed development site is not natural, but is nevertheless open and undeveloped, bounded by hedges, and compatible in character with the adjoining land and woodland. Although there is movement and activity related to the golf practice area, it is generally tranquil in character and is quite informal in its management. In his conclusion he acknowledges that this is a complex case with a range of conflicting issues to balance. He considers that the construction of the new clubhouse and associated works in the open countryside would not itself conserve and enhance the AONB. However he acknowledges that this development may provide the essential key

that would underpin and guarantee the sustainable long term stewardship of the site as a whole, if it demonstrably delivers a worthwhile and comprehensive programme of landscape and habitat enhancements and conserves the informal open character of the site as a whole through well planned and appropriate management practices in perpetuity.

The 11 hectares of agricultural land that would be incorporated into the golf course is classified as grade 3a and 2 agricultural land. Grades 1,2 and 3a are the best and most versatile land. This loss of agricultural land has to be balanced against bringing the 2.84 acre area currently used for horse grazing with a stable block into use for cattle grazing which will be controlled by a LEMP and the improvements in farming methods to benefit Greater Horseshoe Bats on the mitigation area of 10.76 acres. Overall it would be difficult to substantiate an argument that the loss of agricultural land would have a significant detrimental effect on agriculture in the area.

The applicant has addressed the impact of the proposed development on the Lyme Bay and Torbay candidate SAC and concluded that given the distance of the proposed development from the cSAC (245m), the lie of the land (sloping away from the direction of the cSAC), the fact that the site is over 170 ft above sea level and that woodland habitat separates the golf club from the cliff edge this is very unlikely to be any impact on the cSAC as a result of the development. Furthermore the golf club mostly use organic solutions in golf course management. In addition one of the objectives in the LEMP would be to avoid use of fertilisers and pesticides, where weed control is necessary manual techniques or spot weed applications to be used.

Consequently, in relation to the third of the NPPF criteria, it is considered by officers and Natural England that, whilst the proposal does have a negative impact on the environment, this impact is limited and is mitigated by a range of measures. Additionally, the proposal provides an opportunity to enhance the AONB, in the way set out in independent studies. It is also considered, by officers and Sport England, that the proposal provides recreation benefits.

#### **Highways -**

In support of the application a Transport Assessment and a Framework Travel Plan have been submitted. There have been two updates to the Transport Assessment as the application has been processed. The Transport Assessment and Framework Travel Plan relate to both the residential and club house applications and the data is based on the implementation of both applications. The impact of the residential development is not separated from the golf club application. The original Transport Assessment concludes that the "likely additional traffic associated with the proposed residential development is capable of being accommodated on the existing highway network without the need for highway improvements". This point is not strictly correct because subsequent remodelling work has been based on the Windy Corner junction being improved. The Windy Corner junction improvement was recommended for approval by the Transport Working Party on 29th March 2012.

Additional modelling work based on real time information at Windy Corner and the committed development at Noss Marina was requested in the Transport Assessment. Two addendums to the Transport Assessment have been submitted. The second addendum concludes that the impact of the development on the following junctions would be negligible:



- Churston Road/Brixham Road/Alston Lane Crossroads
- Dartmouth Road/Kennels Road Priority Junction.

Other conclusions are that the proposed residential site access will operate within its economic design capacity. The Dartmouth Road/Greenway Road/Bridge Road staggered priority junction with the addition of the committed development flows would take the operation of the junction above its theoretical capacity with increased queuing and delays predicted on its side arms. However it is stated “the introduction of the additional traffic flows associated with the proposed development sites leads to little difference in comparison with the 2016 base plus committed development flows scenario”. The likely increase in overall traffic flows through the junction will be small at a 0.1% increase during the am peak and 0.3% increase during the pm peak.

The modelling for Windy Corner shows that, with the proposed improvements, the junction would operate within capacity (the degree of saturation on all arms would remain below the desirable 90% at all times). The proposed development traffic would account for a 2.9% increase and 2.6% traffic increase during the AM and PM respectively. However, even in the absence of the improvements at Windy Corner there is isn't sufficient transport impact on the highway network, and in particular Windy Corner, to justify refusal on the grounds of highways impact.

A Framework Travel Plan has been submitted in support of the application which aims to encourage Golf clubhouse staff, golf club members and other users to use more environmentally friendly modes of transport than driving single occupancy private vehicles. The Travel Plan would contain a mix of incentives and disincentives to be successful e.g. car sharing, promoting more use of public transport, encouraging walking and cycling.

Local residents have raised strong concerns about highway safety and the suitability of the highway network to accommodate additional volumes of traffic. They are concerned with the lack of footpaths on roads in the vicinity of the proposed club house, and that there are already difficult conditions on the highway when there is a wedding or function at the nearby church. Residents advise that the free flow of traffic on Bascombe Road can be interrupted when vehicles have to pass each other. There is concern that existing delays in traffic in the area will be increased as a result of the proposed development.

RAGS have submitted a traffic report that concludes a) that it cannot be proved that the improvements at Windy Corner will create sufficient spare capacity to accommodate the traffic associated with the application site until they are finalised and b) with the committed development traffic added to the road network, the Dartmouth Road/Greenway Road/Bridge Road junction fails when development traffic is also added.

In accordance with the SPD “Planning Contributions and Affordable Housing: Priorities and Delivery” a contribution towards sustainable transport of £260,510 is applicable to offset the impact of the development. The Senior Transport Planner has requested that £210,000 of this is spent on upgrading the cycle route from Bascombe Road via America Lane to Brixham. The remainder of the contribution to be used to complete the missing cycle link between Manor Vale Road and Churston Road with a 3 metre shared use path, and upgrading lighting in the underpass between Bridge and Greenway Road.

In relation to Green Lane, as the main access to the proposed golf clubhouse, the evidence shows an increase of an extra vehicle movement every three minutes during peak club operating times. This equates to 18 per hour or between 150 – 200 movements per day. Local residents suggest this could have a significant impact on the character, peace and tranquillity of the area, including the conservation area. In addition, the size of the club house, car park and restaurant indicates the clubhouse will be used for a functions and events, potentially attracting around 130 vehicles over a short time period, which could also have a significant impact on the character of the area. Indeed, evidence from RAGS suggests that a clubhouse of this size will require substantial revenue support to ensure it doesn't become a burden on the Golf Club. Furthermore, there has been no assessment by the applicant of the impact of delivery and service vehicles accessing the club house. That assessment has been requested and further information will be reported at the meeting.

#### **Design -**

The proposed club house building would have a relatively modern appearance. The applicant advises that the design principles are:

- Shallow pitch roof on the club house building with wildflower covering to minimise visual impact as well as creating new wildlife habitat
- Use of natural and contemporary building materials
- Short access road, and site access and circulation that utilises existing track.

The sustainable objectives are:

- Made from locally sourced materials
- Energy efficient, highly insulated and uses passive design to heat and cool the building
- Is water efficient and employs sustainable urban drainage systems.

Prior to submission of the application the Torbay Design Review Panel considered the proposed building, access and car park layout. In summary, the main issues raised by the Panel include:

- the visual impact of the building could be further mitigated, by reconciliation of levels across the site, with the need to respond to the setting of the AONB taking precedence over extensive views available;
- the approach road and cutting through the fields was far from ideal, with the extended approach road having just as much impact on the AONB as the building it serves;
- the importance of a strategy for stewardship of this land;
- fundamental issues of sustainability (e.g. better use of site context to respond to orientation) yet to be addressed.

It would be important to ensure the detailing was of a high standard and conditions would be needed to ensure large scale detailed plans were agreed before construction and samples of materials would also need to be agreed.

The design of the coaching building is intended to replicate the appearance of an agricultural building by reason of the simple open fronted appearance and the use of

timber walls and metal roof which are typical of agricultural buildings.

The car park area would incorporate substantial tree and shrub planting to provide, over time, visual integration into the landscape. The use of gravel for the car park surface would help soften the visual impact.

### **S106 Contributions -**

S106 contributions to offset the impact of the proposed development on existing infrastructure have been calculated on the basis of both applications together and are as follows;

Waste Management £5035  
Sustainable Transport £260,510  
Education £100,650  
Lifelong Learning £34,990  
Greenspace £145,924  
Total £578,095

The Sustainable Transport contribution would be spent on upgrading America Lane to a bridleway along its entirety, completing the shared use path on the A3022 from Churston Road to Manor Vale Road, completing missing cycle link between Manor Vale Road and Churston Road with a 3 metre shared use path, and upgrading lighting in underpass between Bridge Road.

S106 agreements would be required to ensure the Landscape and Ecological Management Plan would be adhered to in perpetuity, to specify the method of farming of the area of land for mitigation and for an ecological monitoring programme. Two separate agreements would be required one to be with the Golf Club and the other with the Churston Barony and the tenant farmer.

Members will appreciate that, if approval is given for this development, the S106 Agreements would need to be signed prior to issue of a decision notice. A decision notice would not be issued if the S106 failure to secure the terms headlined above and a further report would be presented to Development Management Committee.

### **Conclusions**

In conclusion, this planning application requires consideration and balance of a number of often competing and complex issues. The proposal is very finely balanced in terms of its acceptability.

A number of negative impacts could arise as a result of the proposal. This report has highlighted two such impacts, namely:

- the potential impact of additional traffic, to and from the clubhouse, on residential amenity, negative impacts on the peace and tranquillity of the area and on the character of the conservation area;
- the impact of the development, especially in the years before screening takes effect, on the AONB.

However, Local Plan policy (L1) and National Planning Policy Framework (para 116), require an assessment of a range of criteria.

The proposal, when assessed against Policy L1 of the Local Plan is acceptable. The policy gives priority to the conservation and enhancement of the AONB over other considerations. The proposal results in investment in and improvement of the AONB over the long term, with consequent ecological and landscape benefits. Although not required by Local Plan policy, given the conservation benefits, the proposal will also provide social and economic benefits.

However, the Local Plan has been superseded by the National Planning Policy Framework. The NPPF says planning permission should be refused for major development in AONB, except in exceptional circumstances and where it can be demonstrated they are in the public interest.

This report has covered the assessment 'criteria', set out in para 116 of the NPPF, namely:

- **Need and economic impact:** The need to relocate the clubhouse and reconfigure the fairways is not proven and carries little weight in determining the proposal. The impact on the local economy is, however, beneficial. This may be a small impact over the first three years of operation, but the benefits of the proposal to the economy and perception of Torbay could be significant.
- **Scope and costs of alternative sites:** The proposed siting of the clubhouse provides a suitable location for the facility. There is very limited opportunity to meet the need for the clubhouse outside the AONB. Investment by the Lee Westwood Golf School and in AONB enhancement could be lost if the proposal is not approved.
- **Environment, landscape and recreation:** It is considered by officers and Natural England that, whilst the proposal does have a negative impact on the environment, this impact is limited and is mitigated by a range of measures. Additionally, the proposal provides an opportunity to enhance the AONB, in the way set out in independent studies. It is also considered, by officers and Sport England, that the proposal provides recreation benefits.
- **Public interest:** Whilst there is considerable local opposition, Members should consider the impact of the proposals in relation to the Bay as a whole. Whilst there are some negative impacts, it is evident the proposal does help deliver necessary housing (helping to address a 5 year land supply issue in the Bay), including affordable housing, conservation and enhancement of the AONB, economic benefits and a range of improvements in the public interest via S106 requirements.

#### **Conditions schedule**

A full set of conditions will be presented at the meeting, but will include:

Levels

Material

Planting and Landscaping

Lighting

Bat roosts

Construction Environmental Management Plan

Drainage

Delivery Management Plan

Events and hours of use

Parking provision

Travel Plan  
Tree/hedge protection

**Relevant Policies**

-