

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

87/0543OA 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 Galampton 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 Galampton 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 Dunboyme 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

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