

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 1st and 18th 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 1000m² and the proposed new clubhouse would have a floor area of 1240m². A report submitted by the Community Partnership states that the Valuation Office records show the existing club house having a floor area of 733 m². 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 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. 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 at 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

-