

TORBAY COUNCIL

Report No: **Env/49/04**

Title: Planning Brief for site of former Dolphin Holiday Park, Brixham

To: Executive on 14 September 2004

1. Purpose

- 1.1 The report summarises the response to the Consultation Draft Planning Brief for the development of housing, community facilities and countryside management at the former Dolphin Holiday Park, Brixham, and recommends changes for inclusion in the final Brief.

2. Relationship to Corporate Priorities

- 2.1 The report primarily relates to Corporate Priority 2 [Affordable Housing] and Priority 7 [Community].

3. Recommendation(s)

- 3.1 That the Planning Brief for the site of the former Dolphin Holiday Park, Brixham be approved subject to the recommended changes set out in paragraph 7.3 of Report Env/49/04.

4. Reason for Recommendation(s)

- 4.1 Changes to the Brief are recommended so as to improve the quality of the Brief in the light of comments received during the consultation period.
- 4.2 It is considered that the changes recommended would provide a more sustainable basis for the determination of planning applications for a major housing development and ancillary uses within a sensitive coastal part of the AONB.

5. Key Risks associated with the Recommendation(s)

- 5.1 **Provision of service** – Likelihood Risk: Level 1 & Impact Risk: Level 1 – score of 1
- 5.2 **Legal** – Likelihood Risk: Level 1 & Impact Risk: Level 2 – score of 2
- 5.3 **Reputation** – Likelihood Risk: Level 1 & Impact Risk: Level 2 – score of 2
- 5.4 **Financial** – Likelihood Risk: Level 1 & Impact Risk: Level 1 – score of 1
- 5.5 **Strategic** – Likelihood Risk: Level 1 & Impact Risk: Level 2 – score of 2
- 5.6 **Environmental** – Likelihood Risk: Level 1 & Impact Risk: Level 2 – score of 2
- 5.7 **Final Risk Score** – 9. In summary, there is a low risk that the Brief may lead to some short-term impact on the Council's reputation as a result of the opposition during the Local Plan and in the Brief consultation. However, the level of objection has been low compared with some other Local Plan proposals, and the development should result in a significant improvement in the quality of a site, which is affected by a derelict eyesore. There is also a low risk that the affordable housing yield may be delayed, and that some localised damage may occur to the site during construction period.
- 5.8 **The matrix below summarises the scatter of risk in relation to the six criteria listed in paragraphs 5.1 to 5.2 above.**

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1XX	2XXXX	3	4
		1	2	3	4
		Impact			

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

- 6.1 There is no realistic option, given the inclusion of the Dolphin site proposals in the Local Plan, together with the requirement to prepare a planning brief.

7. Background

- 7.1 The Consultation Draft Planning Brief for the Dolphin site went out for public consultation in April 2004. 16 responses were received, in addition to 31 identical letters signed by young people linked to the YES Service. These are summarised in Appendix 1, together with the Officers' comments.

- 7.2 The key areas of comment can be briefly summarised under the following groups :

- ☐ Broad support [or no comments] from South Devon AONB Unit, Countryside Agency, Torbay Coast and Countryside Trust, Torbay Development Agency, English Nature and RSPB.
- ☐ Opposition from Brixham YES and several individuals.

- 7.3 The detailed recommended changes are contained in the Officers' comments column in Appendix 1. They can be summarised under the following headings:

- i) **Stakeholders** – Include a list of all stakeholders in Brief
- ii) **Countryside management** – Clarify para 1.1 to refer only to Millwood Homes' land
- iii) **Landscape policies** – Set out Local Plan Policies L3 and L5 in Brief
- iv) **AONB** – Use consistent AONB terminology throughout Brief
- v) **Trees** – refer to protection of trees during construction
- vi) **Urban Stop Line** – Clarify extent of urban stop line
- vii) **Shops / Local Centre** – Amend para 6.50 to delete 'shopping' and refer to community centre, and amend plans accordingly
- viii) **Residential development** - Amend para 1.9 to refer to residential development
- ix) **Affordable Housing** – Amend Para 2.6 to state that both development phases will include affordable housing

- x) **Phasing** – Amend para 2.7 to make it clear that physical access to Phase 2 is needed
 - xi) **Shops** - Refer to shops in Higher Brixham
 - x) **Traffic** – Refer to morning peak flow of 150 vehicles
 - xi) **TPO** - Refer to recent TPO consent for felling dangerous trees
 - xii) **Buses** – Amend para 6.59 to refer to bus company's requirements
 - xiii) Amend para 7.7 to refer to granting Phase 2 access
 - xiv) Clarify development potential in Plans 5 and 6
- 7.4 It is planned to prepare the final Planning Brief in the immediate future, following Executive approval.

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IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes – Section 106 Agreement	Bill Norman
Financial – Revenue	No	
Financial – Capital Plan	No	
Human resources	No	
Property	No	

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Directorates?	Yes	Corporate

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?		<i>delete as appropriate</i>
		Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.	
2.	If "Yes" - details and outcome of consultation, if appropriate.	
	In accordance with adopted Local Plan; both the Local Plan and Planning Brief have undergone extensive public consultation	

Part 5

Is the proposal a Key Decision in relation to an Executive function? (i.e. would generate expenditure or savings in excess of £100,000 or 20% of an approved budget OR affect more than 2,000 residents of the Borough.)	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards St Peter's with St Mary's

Appendices

Appendix 1 Dolphin Response Analysis
Appendix 2 Affordable Housing

Documents available in Members' Room

Dolphin Consultation Draft Planning Brief: April 2004

Background Papers:

The following documents/files were used to compile this report:

Dolphin Consultation Draft Planning Brief: April 2004