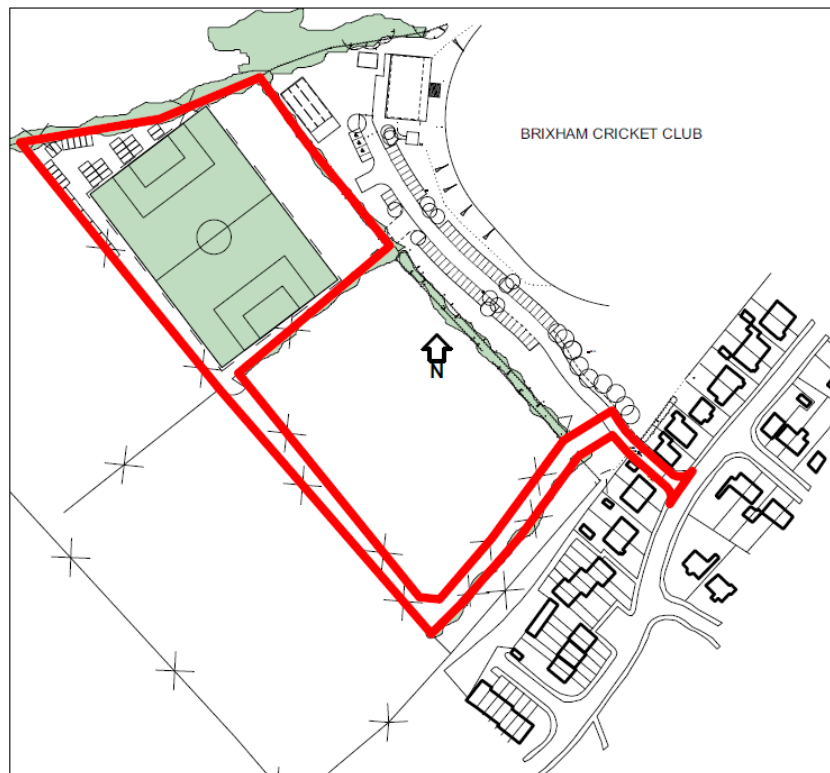


Application Site Address	Site Adjacent To Brixham Cricket Club 83 North Boundary Road Brixham TQ5 8LH
Proposal	Outdoor football pitch for sports and recreational use. (part - retrospective).
Application Number	P/2020/0480
Applicant	Mr Shaun Langdon
Agent	Mr Jonathan Ling-Cotter - MTA Chartered Architects Ltd.
Date Application Valid	09/07/2020
Decision Due Date	08/10/2020
Extension of Time Date	16/10/2020
Recommendation	Conditional approval subject to the conditions detailed below and subject to the completion of a Section 106 Agreement to secure community use of the pitch. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to it being major in nature.
Planning Case Officer	Emily Elliott

Location Plan:



LOCATION PLAN 1:2500

Site Details

The site is a field adjacent to Brixham Cricket Club, measuring approximately 1.2 hectares in size. The site was formerly used for agricultural purposes. The site is located within the Long Road South to Berry Head Countryside Zone, Berry Head to Sharkham Undeveloped Coast and the South Devon Area of Outstanding Natural Beauty. The site is also within Churston, Galmpton and Broadsands Minerals Safeguarding Area.

Description of Development

The proposal seeks planning permission for an outdoor football pitch for sport and recreational use. The pitch can be used as to the Football Association's standard 90 metres by 60 metres football pitch, as well as an Under 15/16s (91 metres by 55 metres) and Under 13/14s (82 metres by 50 metres) football pitch.

The pedestrian and vehicular access to the site is via the field gate near the southern boundary of Brixham Cricket Club, which leads around a paddock and into the field.

The supporting information states that in the winter months (October-March), the site will not be used through the week except for in school holidays when children's football camps will be running and the site will operate on weekends during such months for youth and adult football training and matches. During the summer months (April-September), the site will be in more use with more football camps, community based leagues and so forth. The site will principally be used for youth football.

The proposal includes the provision of a new access road which skirts around the edge of the paddock to the south and runs along the western site boundary. It is understood that this will be surfaced with aggregate. A parking area for approx. 34 cars is proposed in the north west corner of the site; this area will also be surfaced with aggregate

The proposed layout plans show a row of portable toilets in the south east corner of the field. The design and access statement refers to a small shed for store equipment but this is not shown on any plan and no details have been submitted, as such it does not form part of these proposals.

This application is part-retrospective as it is already being used as a football pitch.

The applicant has agreed to enter into a Section 106 Agreement to secure a Community Use Agreement for the site.

Pre-Application Enquiry

Not applicable.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Torbay Local Plan 2012-2030 ("The Local Plan")
- The Brixham Peninsula Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

No previous relevant planning history relating to the site.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. 5 letters of objection, 1 letter of representation and 2 letters of support have been received.

Concerns raised in objection include:

- Alternative sports sites
- Not in keeping with the local area
- Impact on local area
- Sets precedent
- Overdevelopment
- Privacy/overlooking
- Designations in Development Plan – Area of Outstanding Natural Beauty
- Residential amenity
- Noise
- Trees and wildlife
- Traffic and access

Comments raised in support include:

- Provides sports facilities
- It provides jobs

Summary of Consultation Responses

Brixham Peninsula Neighbourhood Forum:

No objection.

Police Designing Out Crime Officer:

Having reviewed the application there appears to be no detail with regard to the proposed boundary treatment for the facility. To clearly define that the space is owned and to do all that is reasonable in preventing unwanted intrusion or the potential for anti-social gatherings when the facility is not in use, it is recommended that a suitable perimeter fencing and lockable gates are considered.

Any gates in the perimeter fencing must match the same height and robust construction as the adjoining fencing. The gates should have anti-lift hinges and designed so they are non-climbable.

It is noted that a 'small shed to store sports equipment' is proposed. The shed must be robust with a fit for purpose locking mechanism.

It is noted that the pitch is not intended to be used after dark as such lighting is likely not to be required but should this change any lighting should be vandal resistant and installed considerately so as not to impact on near-by residents.

Consideration should be given as to how maintenance and service vehicles will access the playing fields whilst preventing unwanted vehicular access. Suitable access and turning for emergency vehicles as close to the pitch as possible should be factored in.

The portable toilet/s should also be capable of being secured when the facility is not in use.

It is vital that the on-site parking provision is generous and well-designed to prevent off-site parking, as this could have a negative impact on quality of life issues for nearby residents.

The above is submitted in accordance with the Brixham Peninsula Neighbourhood Plan, which states under Policy BH5.5 'the design of new development and altered buildings **or areas** in the following categories should adequately take into account the safety and security of the users of the facilities and that of neighbouring residents;

1. New neighbourhood or district community facilities
2. Proposals incorporating significant off street car parking provisions

The justification of policy BH5 at 4.12 states "Designing out crime" has been a function of the planning process since The Crime and Disorder Act 1998 established that the responsibility of reducing crime does not fall solely on the police. That concept extends

to designing out opportunities for crime, fear of crime, antisocial and unacceptable behaviour and conflict in the built environment.

Torbay Council's Environmental Health Officer:

No objection.

Torbay Council's Sport Development Officer:

The Torbay Playing Pitch Strategy suggests that between 2014-2021 there will be an increase of 6 additional mini soccer teams (3 match equivalent sessions per week). The population of children between 10-15 and adults 16+ will remain similar, which will not increase the number of teams. The PPS highlights the need 'more age appropriate pitches are required in Brixham' and if all youth teams were to play on correct size pitches there would be a need of 1 x 9v9 pitch and 2 x mini soccer pitches (7v7). It is noted that this PPS strategy is near the end of its life span and data is likely to be dated. However Torbay's emerging Resetting Sports Strategy reiterates the need to protect identified space for sport and leisure facilities in order to keep up with demand. North Boundary Road is still identified as important future provision for additional pitches.

North Boundary Road is also identified in Policy SC2.6 of the Local Plan which identifies the fields as an "area of search" for sports facilities in the Churston Area. This does not specify football pitches and therefore the area should be protected for sports facilities in some form. There is demand from other sports for additional sports facilities.

There are currently 2 local authority owned sites for football in Brixham at St Marys Park, Brixham and Furzeham Green. Both of these facilities are available for community use but underutilised. There is also a new pitch at Centry Road, Brixham. This site is used by Brixham AFC who I understand have shown interest in the proposed pitch at the North Boundary Road and will therefore leave another pitch under used. South Devon College have also developed a new 3G pitch in the local area and utilised by the community.

Before the application for a new facility at North Boundary Road is approved investigation by the applicant into use of the current stock of underutilised facilities (St Marys Park and Furzeham Green) should be made. The club may want to look into leasing these facilities in order to apply for external funding to improve them to a standard to meet their needs if not already met. Also enquiry into why the football club are leaving their current facility at Centry Road should be made.

Torbay Council's Sport Development Officer (Follow-up response 03/12/2020):

The Torbay Playing Pitch Strategy 2014-2021 is now out of date and therefore we are working on producing a new Resetting Sport Strategy, however it is still at the consultation stage.

We have also been working with Devon Football Association who have produced a current Local Football Facilities Plan (LFFP) for Torbay which clubs have also had the opportunity to contribute to. We are still awaiting the final version as a few minor alterations needed to be made. The LFFP clearly highlights youth football as a development priority for Torbay. Therefore, the applicant's project supports this and maybe should be supported to support junior football development identified in the LFFP but not a full size pitch.

Further communication with the applicant has shown that both St Marys and Furzeham pitches are both public open spaces so are not desirable to the applicant due to public access, dog fouling, parking and limited development opportunity. The pitch at Centry Road, Brixham now also remains unused. This site also has access issues as it can only be used for part of the year so is not fit for the purpose of the applicant.

Sport England:

Sport England – Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

This application falls within the scope of the above guidance as it relates to the creation of new playing fields.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are 1. Protect - To protect the right opportunities in the right places; 2. Enhance - To enhance opportunities through better use of existing provision; 3. Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website.

The Proposal and Assessment against Sport England's Objectives and the NPPF

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'.

We note a football pitch 90 x 60m in a tight location with an indication it might struggle to also provide adequate 3m run offs around the pitch. This is not the recommended playing pitch size – see below comments from the NGB for football. The recommended pitch for over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area).

The Football Foundation on behalf of The FA and Devon FA advise that the applicants suggests that this pitch will be used for formal and informal provision for both adult and youth players.

The Torbay Playing Pitch Strategy suggests that between 2014-2021 there will be an increase of 6 additional mini soccer teams (3 match equivalent sessions per week). The population of children between 10-15 and adults 16+ will remain similar, which will not increase the number of teams.

The PPS highlights the need 'more age appropriate pitches are required in Brixham' and if all youth teams were to play on correct size pitches there would be a need of 1 x 9v9 pitch and 2 x mini soccer pitches (7v7). It is noted that this PPS strategy is near the end of its life span and data is likely to be dated.

The grass pitch dimensions within this application are shown as 90m by 60m, which doesn't meet any FA recommended pitch requirements. It is also difficult to determine if this includes run-offs. Below are the recommended pitch dimensions for football that we would expect to see:

- Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)
- Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
- Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area)
- Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
- Youth U15 and U16 (11v11) 91 x 55m (97 x 61m including safety run-off area)
- Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
- Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)

The application suggests this site would be used for an adult 11v11 team. We would require clarity on whether this could fit.

As car parking is situated north of the proposed playing field the following considerations should be taken on board in relation to run-offs:

- A minimum safety run off 3m must be provided.
- Run off areas must be free from obstructions and of the same surface as the playing area.
- The site operator must undertake a risk assessment to ensure the run off area are safe and do not pose a risk of injury to a player or spectator.

No information has been provided on maintenance of the site, though it is assumed that this would be the responsibility of the football club, if so it's strongly advised that the club/site receive a pitch improvement visit from the GMA for guidance and support in relation to ongoing maintenance.

The Football Foundation on behalf of The FA and Devon FA are principally supportive though require additional information on proposed pitch dimensions for adult football at this site.

The ECB have liaised with Brixham Cricket Club they (and in turn the ECB) have no comments to add to this application.

Conclusion

This being the case, Sport England offers its support for this application, as it is considered to meet Objective PROVIDE as set out above. The applicant should review the comments above and perhaps provide an amended plan showing an adult playing pitch to the recommended pitch size.

Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning conditions should be imposed.

1. No development shall take place unless and until:
 - a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number... shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy **.

2. The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport"

(Sport England, 2011), and shall be made available for use before first use or occupation [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with LP Policy **.

3. Prior to the bringing into use of the [named sports facility) a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the [named sports facility].

Reason: To ensure that new facility/ies is capable of being managed and maintained to deliver a [facility] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with LP Policy **.

4. No development shall commence [or such other timescale] until a community use scheme has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall apply to [describe facilities] and shall include details of pricing policy, hours of use, access by users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development [or other agreed timescale] and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with LP Policy **.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

South Devon Area of Outstanding Natural Beauty Office:

No response received.

Torbay Council's Drainage Engineer:

I have now reviewed the latest information that has been submitted and I can confirm that providing the vehicular access and car parking area are constructed using free draining aggregate I have no objections on drainage grounds to planning permission being granted. Obviously, if the proposed material changes from free draining aggregate the developer will have to submit further details for approval and this may include the requirement for infiltration testing.

WSP on behalf of the Local Highway Authority:

Car Park Layout:

The applicant's vehicle swept path drawing has demonstrated that a car can safely turn in the car park and two cars can pass on the site access road.

The applicant has not demonstrated a mini-van turning on site, but it is noted that the car swept path analysis indicates there is likely to sufficient space to accommodate this manoeuvre without overrunning adjacent parking bays.

The applicant has not demonstrated that a fire tender can access and egress the site in forward gear by turning on site. It is unlikely that this would be possible in a dedicated space without a significant reduction in parking spaces.

The site layout is likely able to accommodate a fire tender arriving and tending to an emergency. Whilst the fire tender is unlikely to be able to turn on-site between parking bays, given the very rare need for a fire tender to attend site it is not considered unreasonable to require the vehicle to undertake a convoluted turn manoeuvre of visitors to the site move their cars once the emergency has been dealt with.

Access:

The submitted plans do not make it clear what configuration the proposed access junction will take, but the proposed access is located back from the highway boundary and is not within highway land. The proposed configuration appears to give priority to visitors to the proposed development rather than the cricket club, although it is acknowledged in practice the junction is likely to be unmarked with no perceived priority resulting in low vehicle speeds. The shown visibility splays do not reflect the proposed junction configuration.

The applicant has demonstrated visibility splays of 9m from the site's junction with the cricket club access. Manual for Streets Table 7.1 indicates this is suitable for a 10mph vehicle speed. However, based on satellite imagery observations it is likely that greater visibility can be achieved, particularly in the primary direction.

The applicant was required to consider the provision of a shared foot/cycleway on the site access road to enable pedestrian and cycle trips to the site. The submitted plans

do not demonstrate any further infrastructure for pedestrians or cyclists such as detailing of what surface will be used on the access road, nor has any document justifying this been submitted.

It is understood the applicant is proposed “grass reinforced mess” as a surface treatment. It is likely that more permanent surfacing would result in a significant change in the semi-rural nature of the area and may present landscaping concerns.

Given the low volume of vehicles (and pedestrians and cyclists), the currently proposed layout is considered to offer reasonable and proportionate pedestrian and cycle infrastructure.

Conclusion:

The Highway Authority raises no objection to the proposed development.

Devon County Council’s County Archaeologist and Historic Environment Manager (Initial Response):

The proposal is sited in an area of known archaeological interest recorded on the Devon & Torbay Historic Environment Record (See: https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MDV13893&resourceID=104). Evidence of prehistoric settlement activity has been found across an area, including the proposal site. Finds include Mesolithic, Neolithic and Bronze Age flint tools, Bronze Age metal artefacts and Romano-British pottery. It is probable that groundworks for the creation of the sports pitch (ground preparation, levelling, drainage, access road, car park) will expose and destroy archaeological and artefactual deposits. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

I recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy SS10 in the Torbay Local Plan 2012 - 2030, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work taking the form of a supervised metal detector survey followed by archaeological supervision and monitoring of consented groundworks and the recording of any features or finds that are observed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Devon County Council's County Archaeologist and Historic Environment Manager (Follow-up Response):

I identified the new road access as likely to involve groundworks. The applicant's response to comments about roads and car parking does not refer to the access road, only to the free draining car park.

Therefore can the applicant:

1. Set out what form the access road will take.
2. Confirm that the car park aggregate will be placed directly onto the existing turf or fallow, with no topsoil strip or levelling of the ground.

I note what the applicant states regarding only re-seeding the existing surface to create the playing surface.

Confirmation – ideally in a format that can ensure compliance - that creation of the pitch, car park and access road would not involve levelling, topsoil strip or intrusive drainage, would obviate the need for archaeological recording.

Torbay Council’s Senior Tree and Landscape Officer:

In essence the report shows that the Root Protection Areas of the trees are likely to be impacted to some extent by the proposals and a brief outline on how to mitigate for any damage has been proposed. The report suggests that conditions be applied I am satisfied that this can be achieved through the process of using conditions.

Please can we have pre-commencement conditions for a tree protection plan and arboricultural method statement, to be approved prior to the commencement of the works for the installation of the access road and parking area.

Torbay Council’s Senior Strategic Planning Officer:

Since the site falls within the AONB (CZ, Undeveloped Coast and Mineral Safeguarding Area) and the GHB Sustenance Zone, whilst the Phase 1 Ecology report indicates otherwise, I think, the new GHB SAC Guidance would indicated an HRA screening and in all probability an AA will be required. I note that the pitches are not currently intended to be used after dark, however, any external, including that lighting from car headlights and buffers along hedge lines still needs to be considered?

From an AONB and SH SAC perspective, it would be appropriate to consider what alternative sites, with lesser designations, particularly the allocated site SC2.6 at Brokenbury, have been considered.

Again, I note the comments in the Phase I report relating to the lack of cirl bunting evidence on 18th May and lack of appropriate farming practice this year. However, it may be helpful to consult RSPB in the context of The Cirl Bunting Guidance Note dated October 2017 (jointly produced by Torbay Council, TDC, DCC and the RSPB). AN extract of the breeding and wintering areas are shown below. This is the Guidance DCC web link:

<https://devoncc.sharepoint.com/sites/PublicDocs/Environment/Environment/Forms/AllItems.aspx?id=%2Fsites%2FPublicDocs%2FEnvironment%2FEnvironment%2FWildlife%20planning%20guidance%2FCirl%20Development%20Guidance%20October%202017%2Epdf&parent=%2Fsites%2FPublicDo>

The AONB unit will comment further with regard to the impact on the AONB and the AONB Management Plan; Brixham Urban Fringe Study (<https://www.torbay.gov.uk/media/8198/sd93.pdf>) - Compartment 20 p69 to p70 and the Torbay Landscape Character Areas Assessment 2011 ([Part 1](#)) and ([Part 2](#))

In terms of the Brixham Peninsula Neighbourhood Plan (BPNP) <https://www.torbay.gov.uk/media/12960/1-neighbourhood-plan-june19.pdf>, Policies E1: Landscape beauty and protected areas, E2: Settlement boundaries, Policy S&L1: Increase available space for outdoor sport and leisure and the adjacent Policy E4.6 : Local Green Space are most pertinent and the Churston Village Design Statement : <https://www.torbay.gov.uk/media/12966/7-churston-village-design-statement.pdf>

Colleagues in the Highways Team or WSP will comments further in relation to the Travel Plan /Transport Statement/D&AS. Local Plan Policies TA1, TA2 and TA3 refer and BPNP Policy T1: Linking of new developments to travel improvements.

Devon County Council's Ecologist (Biodiversity):

No objection subject to conditions relating to artificial lighting and development and wildlife enhancement measures as per the submitted ecology reports.

Devon County Council's Ecologist (HRA):

No requirement for a Habitat Regulations Assessment in this instance.

RSPB:

No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Residential Amenity
3. Impact on Highway Safety
4. Impact on Ecology and Trees
5. Flood Risk and Drainage
6. Designing Out Crime
7. Heritage

Planning Officer Assessment

1. Principle of Development

The proposal is for an outdoor football pitch for sport and recreational use. Objectors have raised concerns regarding the designations of the site with regard to the Development Plan (South Devon Area of Outstanding Natural Beauty and Undeveloped Coast), also stating it would set a precedent, constitute overdevelopment and alternative sites have not been investigated, with other sites in Brixham been vacant or underutilised. Supporters have stated that the proposed development would provide sport facilities, as well as jobs.

The site is designated as countryside located within the Long Road South to Berry Head under Policy C1 of the Local Plan. Policy C1 of the Local Plan states that in the open countryside, away from existing settlements, and in rural areas surrounding the three towns of Torbay, development will be resisted where this would lead to the loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting.

Policy C1 goes on to state that outside settlement boundaries, the following forms of development may be permitted, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment:

1. New homes for which there is a proven agricultural need, or self-build affordable housing where acceptable under Policy H3;
2. Development required for forestry, horticulture or agriculture;
3. Touring caravans and tents;
4. Tourist facilities appropriate to the rural area;
5. Development associated with outdoor sport and recreation appropriate in a rural area;
6. Sensitive conversion, alteration and extension of existing buildings;
7. Essential improvements to the highway network; and
8. Appropriate renewable energy development.

Criterion 5 of policy C1 above could support this proposal but only if it can be demonstrated that the proposal will not adversely affect the rural and landscape character, wildlife habitats, green corridors and historic features. For reasons explained in the 'landscape' section below it is considered the proposal would adversely affect the rural and landscape character and therefore is not supported by Policy C1 of the Local Plan.

The site is within the Berry Head to Sharkham Undeveloped Coast which is designated under Policy C2 of the Local Plan. Policy C2 states the Council and partnership organisations will conserve the character of the undeveloped coast and seek to enhance its distinctive landscape, seascape, biodiversity, geological, recreational and cultural value. Development will not be permitted in the undeveloped coastal area unless proposals satisfy the following requirements:

1. Maintain the unspoilt character of the coastline, coastal landscape and seascape;
2. Maintain or improve public access for recreation; and
3. Provide sensitively designed development, including tourism uses, where there are clear economic or sustainability benefits that cannot be realised in alternative locations.

For reasons set out in the 'landscape' section of this report it is considered that the proposed development fails to maintain the unspoilt character of the coastal landscape. As such the proposed development is contrary to Policy C2 of the Local Plan.

Policy SC1 of the Local Plan states that all development should contribute to improving the health and well-being of the community, reducing health inequalities and helping to deliver healthy lifestyles and sustainable neighbourhoods proportionate to the scale of the proposal. The proposed development would contribute to improving the health and well-being of the community, by providing a sport and recreational facility.

Policy SC2 of the Local Plan states that development should provide access to sport, leisure and recreation facilities according to the additional demand it generates and the capacity, condition and location of existing facilities. Where a need is identified for new facilities, they should be provided in appropriate locations, preferably co-located with existing and other planned sports facilities, where they are accessible by a range and choice of transport and comply with other policies in the Local Plan. The policy goes on to state that an assessment of existing provision of such facilities will be required with development proposals proportionate to their scale, allowing the Council to determine whether a contribution is needed towards new facilities or the enhancement of existing provision.

Policy S&L1 of the Brixham Peninsula Neighbourhood Plan states that notwithstanding areas already designated as Local Green Spaces or Public Open Spaces, additional and better quality outdoor playing space is required in the Peninsula. Subject to compliance with the other policies of this Neighbourhood Plan, proposals for developments within and adjacent to settlements (but excluding Settlement Gaps) which provide outdoor pursuits will be encouraged. These pursuits will embrace a range of activities and sports including formal games pitches, tracks, courts, parks (e.g., skateboarding) and facilities, signposted walking routes and "Trim Trails", and more informal "free play" and "free activity" areas. The approval of any new, enhanced or improved sport or leisure facility will be subject to assessment of the design and impact, amenity and light emission of the proposed development in relation to its setting and other policies in this Plan. Policy S&L1 supports the inclusion of this site and has identified a 27.8 hectare shortfall in Brixham's Outdoor playing area. A planning condition should be employed to prevent artificial lighting in a highly sensitive location, this is also acknowledged in the ecology section of this report.

Alternative Sites

Having regard to the sensitive location of this site within the AONB and Undeveloped Coast it is important to understand the need for this facility. It is understood that the facility will be used primarily by the newly formed Brixham Town Football Club with the

intention of providing mainly youth football including training sessions and holiday football camps. It is also proposed to allow access to other community teams and a Community Use Agreement entered into.

Within Brixham there are a number of existing football pitches including local authority run pitches at Furzeham and St Mary's, a recently approved pitch with parking and access to changing facilities at Centry Road (but not available in the summer) and Brixham Academy also has pitches it rents out. There is also the pitch and facilities at Brixham AFC.

The Council's Sport Development Officer has been consulted on this application. The Torbay Playing Pitch Strategy suggests that between 2014-2021 there will be an increase of 6 additional mini soccer teams (3 match equivalent sessions per week). The population of children between 10-15 and adults 16+ will remain similar, which will not increase the number of teams. Torbay's emerging Resetting Sports Strategy reiterates the need to protect identified space for sport and leisure facilities in order to keep up with demand. North Boundary Road is still identified as important future provision for additional pitches. North Boundary Road is also identified in Policy SC2.6 of the Local Plan which identifies the fields as an "area of search" for sports facilities in the Churston Area, but does not specify football pitches.

The Council's Sport Development Officer has stated that there are currently two local authority owned sites for football in Brixham at St Marys Park and Furzeham Green. Both of these facilities are available for community use but underutilised. There is also a new pitch at Centry Road, Brixham, as well as South Devon College have also developed a new 3G pitch in the local area. The Officer has been working with Devon Football Association to produce a current Local Football Facilities Plan for Torbay, which clubs have also had the opportunity to contribute to. The document clearly highlights youth football as a development priority for Torbay. Therefore, the proposed development would assist in providing junior football development as identified in the Local Football Facilities Plan.

The applicant was asked to provide a statement to justify the need for this additional facility and responded as follows:

"With regard to alternative sites, by its very nature an area of this size is going to be on the periphery of a development area and ultimately a reuse of land likely to be agricultural, and very likely to be within the AONB. That in itself will mean any alternative site will encounter the same level of scrutiny as this one and so the suggestion of finding one is somewhat circular. The existing landowner has offered a redundant paddock for the benefit of the community and its adjacency to another sporting facility is a good fit both in functionality and planning impact. This is the judgment you should be making – that in terms of forward planning the alliance of cricket, golf and football in one region is strategically sound".

This statement did not address the matter of why alternative facilities in Brixham, identified as being under-utilised, were not suitable for the applicant.

The Community Sports Development Officer has recently followed up with the applicant and has been advised that both St Marys Park and Furzeham Green pitches are both public open spaces so are not desirable to the applicant due to public access, dog fouling, parking and limited development opportunity. The new pitch at Centry Road now also remains unused. This site also has access issues as it can only be used for part of the year so is not fit for the purpose of the applicant.

The Council's Sports Development Officer is satisfied that there is sufficient justification for this site and the proposal assists at facilitating junior football development.

Landscape/AONB Impacts

The site is within the South Devon Area of Outstanding Natural Beauty. Policy SDB3 of the Local Plan states "The Area of Outstanding Natural Beauty around Brixham, including Berry Head National Nature Reserve, St. Mary's Bay and the wider Brixham urban coastal fringe, will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism purposes".

Policy E1 of the Brixham Peninsula Neighbourhood Plan states "the internationally designated Special Area of Conservation (SAC), the nationally designated National Nature Reserve (NNR) or Area of Outstanding Natural Beauty (AONB), and the locally designated Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1) will all be protected". Policy E1 goes on to state that "Development within or impacting on the AONB must demonstrate that great weight has been given to conserving and enhancing landscape and scenic beauty and must comply with the requirements of the National Planning Policy Framework and other statutory documents including the AONB Management Plan".

Para 172 of the NPPF sets out a presumption against major development in the AONB. Whether the proposed development would constitute major development in terms of the Area of Outstanding Natural Beauty context, footnote 55 of the NPPF states that the decision maker would need to take into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The Local Planning Authority considers that the proposed development is non-major development in the context of the scale and nature of the proposal in this setting.

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes,

recognising the intrinsic character and beauty of the countryside and maintaining the character of the undeveloped coast. Whilst Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The site is located north-west of North Boundary Road but the site is not visible from North Boundary Road. The proposal involves a main football pitch including demarcations and goal posts, an area for training, portable water closets, a parking area and access road. There is an expressed desire to provide a storage facility on site although this does form part of this application. The site was formerly used for agriculture. At present, the site has no storage facilities and paraphernalia associated with the use is left alongside the football pitch and around the site. The proposed access and parking area will include laying a permeable aggregate course directly over the existing surface. Objectors have raised concerns that the proposed development is not in keeping with the local area and it would have negative impact on the local area.

The supporting information states that in the winter months (October-March), the site will not be used through the week except for in school holidays when children's football camps will be running and the site will operate on weekends during winter months for youth and adult football matches. During the summer months (April-September), the site will be in more use with football camps, community based leagues and so forth. In terms of landscape impact it is relevant to consider the visibility of the site from public vantage points given its designations. From site observations, it is apparent that the site will not be visible from North Boundary Road, but the site is visible from other vantage points within the countryside, due to the topography of the surrounding area. The site lies in close proximity to a well-used footpath linking to the South West Coast Path. Therefore, it will have varying degrees of visibility depending on which public vantage points it is viewed from. The application is not supported by a Landscape and Visual Impact Assessment which would have helped in the landscape assessment but nevertheless it is considered that the proposed use would detract from its previous rural character and appearance.

The site adjoins Brixham Cricket Club which was approved under planning reference P/2007/1286. The site allocation was considered by the Local Plan Inspector as part of the Torbay Local Plan Inquiry, as Brixham Cricket Club sought a non-specific site allocation. An excerpt from the officer report states: "The Inspector stated that great care needed to be taken in pursuing this proposal especially with regards to the size and location of associated development such as a clubhouse and parking area to ensure that the impact in this sensitive and attractive area is acceptable ... The Inspector considered that subject to careful design and the effective operation of controls available through other policies within the Local Plan, the proposal would not be likely to cause unacceptable harm, nor would it set a precedent for other forms of development in the countryside around Brixham". This makes it clear that the planning

permission for Brixham Cricket Club's site should not set a precedent for further sports related development which could lead to further erosion of a sensitive and attractive area.

It is noted that despite the adjacency of the cricket club there is no proposal to share facilities such as the club house or parking areas and recently gates have been erected by the Cricket Club to control access to their site.

The South Devon Area of Outstanding Natural Beauty office has failed to respond to the consultation request, however the South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 provides guidance. Page 33 of the Strategy of the AONB Management Plan states that the quiet enjoyment of the AONB by the public will be promoted through recreation, leisure activities and sports that respect other users and the area's natural beauty, special qualities and land management. Page 103 of Annex 1 of the AONB Management Plan states that a recreational development that conserves and enhances the South Devon AONB will provide facilities and amenities which support the quiet enjoyment of the AONB, especially for users of the South West Coast Path national trail.

Having regard to the close proximity of the public footpath, given the use of the site as a football pitch it is very likely that users of the footpath would be aware of noise and activity from the site – shouting, whistle blowing, vehicles entering and exiting the site. This would impact on the rural character and tranquility of the area to an extent. Therefore, the proposed development would fail to conserve or enhance the quiet enjoyment of the AONB. Overall, it is considered that the proposed development would further erode and degrade the unspoilt rural character of the area and the AONB given the adverse visual and aural impact, as the proposed use is not typical of a rural character and therefore is considered to fail to conserve or enhance the AONB and is harmful, contrary to policies contained within the Development Plan and the NPPF.

Policy C2 of the Local Plan states that development will not be permitted in the undeveloped coastal area unless proposals maintain the unspoilt character of the coastline, coastal landscape and seascape. The proposal would change the character of the immediate area through the sport being played, the laying out of the pitch, vehicles movements and the siting of portable water closets. The proposal is not supported by Policy C2 of the Local Plan.

Given the proposal's nature, siting, scale, and design, it is considered that the proposed development would result in harm to the character and visual amenities of the locality.

It is noted however that the proposal involves little permanent change to the land and should the use cease it could easily revert to its original use. Should planning permission be granted, it is recommended that a planning condition is employed to

restore the land to its former agricultural use should the applicant cease to use the land as an outdoor football pitch.

It is considered that the proposed development in terms of impact on the South Devon Area of Outstanding Natural Beauty and Undeveloped Coast would cause harm. In such a case it is necessary to consider whether there are public benefits which would outweigh the harm.

2. Impact on Residential Amenity

Policy DE3 of the Local Plan states that all development should be designed to not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Brixham Peninsula Neighbourhood Plan is largely silent on the matter of amenity. Paragraph 127 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Objectors have raised concerns regarding residential amenity, privacy/overlooking and noise. The proposed development is some 145 metres from the nearest residential curtilages. The Council's Senior Environmental Health Officer has been consulted on this application and raises no objections. The site is located adjacent to Brixham Cricket Club which also provides sporting facilities. Given its siting, scale, and design of the proposals, it is considered that the proposals would not result in any unacceptable harm to the amenities of neighbours.

The proposal is considered to accord with Policy DE3 of the Local Plan.

3. Impact on Highway Safety

Para. 108 of the NPPF guides that when assessing developments it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Para. 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 of the Local Plan sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require

appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy T1 of the Brixham Peninsula Neighbourhood Plan states that all developments should include safe walking and cycling access. The Policy goes on to state that developments should provide a travel plan proportionate in breadth and detail to the size and complexity of any development proposal to address the impact of travel associated with the development, including information on how the carbon footprint from travel has been minimised and the health and well-being of travellers maximised. All development should seek to minimise commuting distances and seek to include improvements to the safety of pedestrians and cyclists.

Objectors have raised concerns regarding traffic and access. The proposal seeks to utilise an access back from the highway boundary on North Boundary Road, along the Brixham Cricket Club drive that would skirt a paddock before entering the site. WSP on behalf of the Local Highway Authority were consulted on this application, initial comments requested that additional information should be submitted, including vehicular swept path plan analysis and visibility splays. The application is also supported by a Travel Plan.

Upon receipt of the requested documents, WSP have stated that the analysis has demonstrated that a car can safely turn in the car park and two cars can pass on the site access road. The applicant has not demonstrated a mini-van turning on site nor a fire tender, however it is noted that the car swept path analysis indicates there is likely to sufficient space to accommodate this manoeuvre without overrunning adjacent parking bays. In terms of the proposed access, WSP acknowledges that in practice the junction from the Cricket Club drive to the paddock is likely to be unmarked with no perceived priority resulting in low vehicle speeds. The applicant has demonstrated adequate visibility splays from the site's junction given the low vehicle speeds in this area. The applicant was also required to consider the provision of a shared foot/cycleway on the site access road to enable pedestrian and cycle trips to the site. The submitted plans do not demonstrate any further infrastructure for pedestrians or cyclists. Given the proposed layout, it is considered to offer reasonable and proportionate pedestrian and cycle infrastructure. Therefore, the Local Highway Authority raises no objection to the proposed development.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated. The submitted proposed plans do not indicate any bin storage, however there is space within the curtilage of the site for such to be sited, along with a Waste Management Plan to be sought. Should planning permission be granted, planning conditions should be employed to secure the parking provision, the Travel Plan, to provide a storage provision for bicycles, to provide a storage provision for waste and to ensure the employment of a Waste Management Plan.

It is considered that impacts relating to highway matters are acceptable and accord with Policies TA1, TA2 and TA3 of the Local Plan, Policy T1 of the Brixham Peninsula Neighbourhood Plan and guidance contained within the NPPF.

4. Impact on Ecology and Trees

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy SS8, particularly criterion 1, of the Local Plans states sites, species and habitats protected under European, or equivalent legislation will be protected from development. Development around the edge of the built up area will be required to protect and manage wildlife and habitats, including corridors between them, in accordance with Policy NC1 of the Local Plan and particular attention must be paid to Greater Horseshoe Bat flightpaths. Policy E8 of the Brixham Peninsula Neighbourhood Plan states that internationally important sites and species will be protected. Development affecting internationally protected site and species will only be approved where it can be demonstrated there is no likely significant effect, either alone or in combination with other plans or projects and regard has been given to the NPPF and conforms with Policy NC1 of the Local Plan.

The application site is within the Sustainance Zone of the Berry Head SSSI, associated with the South Hams Special Area of Conservation (SAC) with respect to the Greater Horseshoe Bats. The application is supported by a Phase 1 Habitat Survey and Preliminary Ecological Appraisal. Objectors have raised concerns regarding the impacts on wildlife. Natural England, the RSPB, and Devon County Council's Ecologist have been consulted on this application. A Habitat Regulations Assessment (HRA) screening was undertaken and it was concluded by Devon County Council's Ecologist that there was no requirement for a HRA in this instance.

The supporting ecological reports state that the grassland to be lost to the development does not provide suitable Greater Horseshoe Bat foraging habitat. The grassland is maintained through mechanical mowing. The grassland onsite offers negligible foraging opportunities for Greater Horseshoe Bats due to its amenity nature and species poor composition. No bat surveys were provided with this application, however the Ecologist considers that the impacts can be assessed without such work. The proposal does not include any lighting, therefore there will be no impacts to potential Greater Horseshoe Bats commuting habitats, either through direct loss of linear features, or through indirect impacts associated with artificial lighting. A planning condition should be employed if permission is granted to ensure that no artificial lighting is erected. The Ecologist has concluded that there is unlikely to be a likely significant effect on the South Hams SAC and a detailed HRA is not required. The grassland has limited ecological value given its maintenance, as per the supporting reports a 3 metre strip next to the eastern site boundary should be planted with a range of native shrubs should planning permission be granted.

The site falls within a Cirl Bunting Consultation Zone and there is a 2016 record of a Cirl Bunting territory which extends into the northern part of the site. By reviewing aerial photography and the ecology report, the Ecologist is satisfied that the site has been used for arable cultivation in the past. However, this cultivation has stopped, and the current amenity grassland habitat present onsite provides negligible foraging opportunities for Cirl Bunting. All potential nesting habitat for Cirl Bunting will be retained and no mitigation is required due to the lack of impact.

Should planning permission be granted, planning conditions should be employed to ensure that no artificial lighting is erected and that the development and wildlife measures as per the Phase 1 Habitat Survey and Preliminary Ecological Appraisal are undertaken, including the 3 metre strip of native shrubs along the eastern site boundary. Subject to the aforementioned planning conditions, the proposal is considered to accord with Policy NC1 of the Local Plan and Policy E8 of the Brixham Peninsula Neighbourhood Plan.

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Objectors have raised concerns regarding vegetation. The application is supported by an Arboricultural Impact Assessment, which shows that the Root Protection Areas of the trees are likely to be impacted to some extent by the proposal and a brief outline on how to mitigate for any damage has been proposed. The Council's Senior Tree and Landscape Officer has been consulted on the application and is satisfied that with the submission of a Tree Protection Plan and an Arboricultural Method Statement prior to the commencement of works for the installation of the access road and parking area, the proposal is considered acceptable and to accord with Policy C4 of the Local Plan. Should planning permission be granted, planning conditions should be employed to secure both a Tree Protection Plan and an Arboricultural Method Statement.

It is considered that impacts on matters of ecology and trees are acceptable and accord with Policies NC1 and C4 of the Local Plan and Policy E8 of the Brixham Peninsula Neighbourhood Plan, and should planning permission be granted the aforementioned planning conditions should be employed.

5. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. The Council's Drainage Engineer was consulted and has stated that providing the vehicular access and car parking area are constructed using free draining aggregate, there are no objections on drainage grounds to planning permission being granted. Should an alternative material be used then the applicant will need to submit further details to the Local Planning Authority, which would need to be agreed in writing. Should planning permission be granted, subject to the use of a planning condition to secure the material for the vehicular access and parking provision, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

6. Designing Out Crime

Policy SS11 of the Local Plan states that part of the criteria development proposals will be assessed against includes whether the proposal helps to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

The Police Designing-Out Crime Officer was consulted on the application and has made recommendations intended to ensure that the proposal would be adequately designed to prevent opportunities for crime and anti-social behaviour. Should planning permission be granted, a planning condition should be employed to secure a scheme of crime prevention measures. The proposal is considered to accord with Policy SS11 of the Local Plan.

7. Heritage

The proposal is sited in an area of known archaeological interest recorded on the Devon & Torbay Historic Environment Record.

Devon County Council's County Archaeologist and Historic Environment Manager has been consulted on this application and has stated that they are satisfied that subject to the employment of a planning condition to ensure compliance that creation of the pitch, car park and access road would not involve levelling, topsoil strip or intrusive drainage, there would be no need for need for archaeological recording

Other Matters

The site is also within Churston, Galmpton and Broadsands Minerals Safeguarding Area as defined by Policy M3 of the Local Plan. Policy M3 of the Local Plan states that the Council will seek to safeguard important mineral resources and sites. The proposed development does not conflict with this policy.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

The proposed development will result in modest economic benefit during the limited development activities. It will provide employment for the person(s) providing youth training courses/football camps at the site.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The proposed development will provide an additional sports facility in Brixham aimed at providing youth football in a controlled and clean environment. This will benefit public health.

In addition the proposed development will be available for use by the wider community as a sports pitch to the benefit of the community.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental Role

The proposed development will have an adverse impact on the rural character of this part of the South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast.

The environmental impacts of the proposal weigh against the proposed development

Sustainability Conclusion

Para 172 of the NPPF and Development Plan policy require that great weight is given to conserving and enhancing landscape and scenic beauty in the AONB. On balance however the social benefits of the provision of an additional sports facility aimed at youth football for which there is an identified need and through securing a legal agreement to ensure wider community use, the economic and social benefits of the proposal are considered to outweigh the environmental harm such that the proposal is considered, on a fine balance, to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106:

The proposal entails the completion of a legal agreement to obtain a Community Use Agreement.

CIL:

The CIL liability for this scheme is Nil.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

The application site is within a sustenance zone associated with the South Hams SAC. There is no requirement for a Habitat Regulations Assessment in this instance.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the proposal would cause a level of harm to the South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast, however on balance the proposal addresses a deficit in terms of sports provision, in particular junior football development, and would secure a community use through a legal agreement which is considered to be acceptable.

Conclusions and Reasons for Decision

The proposal is considered on balance to be acceptable as it provides a needed community facility, in an area where there is a deficit of this type of sports provision of the appropriate quality and the proposal can assist at aiding the junior football development provision, however there will be a level of harm on the designated South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast. The proposed development is considered on balance acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, and all other material considerations

Officer Recommendation

Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

Conditions

Restoration of Land

Within six months of the site no longer being utilised as an outdoor football pitch for sports and recreational use, the site shall be restored to its former condition, evidence of which should be submitted to and approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to limit the potential impacts on the South Devon Area of Outstanding Natural Beauty and the Berry Head to Sharkham Undeveloped Coast, in accordance with Policies C2, SDB3 and SS8 of the Adopted Torbay Local Plan 2012-2030 and Policy E1 of the Neighbourhood Plan of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Ground Conditions

Within one month of the date of this permission:

- a) A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on the approved plans shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy S&L1 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Standards and Methodologies

The pitch shall be constructed and laid out in accordance with the approved plans and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), in accordance with a timetable to be submitted to and agreed with the Local Planning Authority. The timetable shall be submitted to the Local Planning Authority within one month of the date of the permission hereby granted.

Reason: To ensure the quality of pitches is satisfactory and to accord with Policy S&L1 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Management and Maintenance Scheme

Within three months of the date of this permission, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to the Local Planning Authority for approval including consultation with Sport England. The measures set out in the approved scheme shall be complied with in full for the lifetime of the development

Reason: To ensure that new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy S&L1 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030 and Paragraph 97 of the NPPF.

Archaeological Recording

Should development including the creation of the pitch, car park and vehicular access road involve levelling, topsoil strip or intrusive drainage take place at any time during the life of the use as a sports pitch the site owner and/or operator must submit and secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in

writing by the Local Planning Authority prior to the development taking place. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Adopted Torbay Local Plan 2012-2030 and Paragraph 199 of the NPPF, that an appropriate record is made of archaeological evidence that may be affected by the development.

Alternative Material – Flood Risk

Should an alternative material other than free draining aggregate be used to secure the means of the vehicular access and parking provision, then full details of surface water management shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the surface. Once approved, the development shall thereafter be carried out in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

Arboricultural Method Statement

Prior to the installation of the aggregate for the proposed access and parking provision, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include, but not be limited to, a pre-commencement site meeting, issuing of a Tree Protection Plan, frequency of site visits, written confirmation of site supervision to be made available to the Local Planning Authority and location of services and their impact on the development/retained trees. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity in accordance with Policies DE1 and C4 of the Adopted Torbay Local Plan 2012-2030.

Tree Protection Plan

Prior to the installation of the aggregate for the proposed access and parking provision, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity in accordance with Policies DE1 and C4 of the Adopted Torbay Local Plan 2012-2030.

Designing Out Crime Measures

Within three months of the date of this permission, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be adhered to fully once approved and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE3 and SS11 of the Adopted Torbay Local Plan 2012-2030.

External Lighting

No external lighting shall be provided within the site unless previously agreed in writing by the Local Planning Authority.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy E8 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Biodiversity Gain

The development hereby approved shall be carried out in strict accordance with the development and wildlife measures as per the approved Phase 1 Habitat Survey and Preliminary Ecological Appraisal, including a 3 metre strip next to the eastern site boundary to be planted with a range of native shrubs, in accordance with a planting schedule to be provided to the Local Planning Authority within one month of this permission. The approved planting scheme shall be planted before the end of March 2021 unless an alternative timetable has been agreed in writing by the Local Planning Authority. Any plant that becomes damaged, diseased or dies within 5 years of the date of planting shall be replaced with a similar specification and species to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy E8 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Parking Provision

Within three months of the date of this permission, the parking spaces and manoeuvring area detailed on the approved plans shall be provided in accordance with the approved details. These elements shall thereafter be retained for the use and the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

Travel Plan

Within three months of the date of this permission, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall set out opportunities for a 30% modal shift, with SMART targets and a monitoring regime, with the achievement of targets being given over a specific timeframe. Once approved, the Travel Plan shall be implemented in full.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030 and Policy T1 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Bicycle Storage

Within three months of the date of this permission, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy T1 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Waste Management Plan

Within three months of the date of this permission, a Waste Management Plan shall be adhered to, according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the Waste Management Plan shall be implemented and retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1 and W1 of the Adopted Torbay Local Plan 2012-2030.

Removal of PD for means of enclosure

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) no means of enclosure including gates, fences or walls shall be provided within or on the boundaries of the site without the prior approval of the Local Planning Authority.

Reason: In the interest of visual amenity and to minimise impact on the landscape qualities of the AONB in accordance with policies E1 and E2 of the Local Plan.

No structures to be stored on the land.

No stores, containers, plant or equipment shall be stored or kept at the site except for the portable WCs as shown on the approved plans, goal posts and goal nets unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to minimise impact on the landscape qualities of the AONB in accordance with policies E1 and E2 of the Local Plan.

Relevant Policies

- C1 – Countryside and the Rural Economy
- C2 – The Coastal Landscape
- C4 – Trees, Hedgerows and Natural Landscape Features
- DE1 – Design
- DE3 – Development Amenity
- ER1 – Flood Risk
- ER2 – Water Management
- M3 – Preserving and Safeguarding of Limestone Resources and Key Local Building Stone
- NC1 – Biodiversity and Geodiversity
- SC1 – Healthy Bay
- SC2 – Sport, Leisure and Recreation
- SDB3 – Brixham Urban Fringe and Area of Outstanding Natural Beauty
- SS3 – Presumption in favour of Sustainable Development
- SS8 – Natural Environment
- TA1 – Transport and Accessibility
- TA2 – Development Access
- TA3 – Parking Requirements

W1 – Waste Hierarchy

BH5 – Good Design and the Town and Village Design Statements

E1 – Landscape Beauty and Protected Areas

E2 – Settlement Boundaries

E8 – Internationally and Nationally Important Ecological Sites

S&L1 – Increase Available Space for Outdoor Sport and Leisure

T1 – Linking of New Developments to Travel Improvements