

Application Number

P/2013/0019

Site Address

Site 1-Land At Churston Golf Course /
Churston Golf Club,north East Of Bascombe
Road Opposite The Northern End Of Bridge
Road, Churston, Brixham

Site 2 - Land At Churston Golf Course /
Churston Golf Club, North East Of Churston
Court Farm

Case Officer

Mrs Helen Addison

Ward

Churston With Galmpton

Description

Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.(Revised Scheme)
THIS IS A DEPARTURE FROM THE LOCAL PLAN

Executive Summary/Key Outcomes

This is a revised application for the relocation of the Golf Club House following refusal of a previous proposal to re-site the Club House in the AONB. The application also includes the provision of additional golf course holes on land within the AONB to replace those that are to be lost through the consent to construct dwellings on the existing 1st and 18th holes.

This revised scheme, in moving the clubhouse and associated infrastructure outside of the AONB, has the potential to overcome the adverse effect of the development on ecology and the character of the AONB. However, this case has not yet been proven by the applicant.

It is considered that the revised design of the Club House, following the resubmission of the application in January 2013, has resolved detailed design concerns and would as such be more sensitive to the semi rural location of the site. It is noted that the clubhouse building would still have a visual impact on the appearance and character of the area. However, this visual impact has to be balanced against the overall social,

environmental and economic benefits that would result from granting planning permission.

There are a number of unresolved issues that are fundamental to the determination of the application (highways, ecology, S106) without these being satisfactorily resolved the application in its current form is unacceptable and therefore recommended for refusal.

Recommendation

Refusal (reasons as end of report).

Target Date

The 13 week target date for determination of this application is 8th April.

Site Details

This application relates to two separate sites;

Site 1 comprises an area measuring approx. 180 metres by 130 metres (approx. 1.2 hectares) situated on part of the fairway to the 9th hole of the golf course, to the north of Bascombe Road and opposite the junction of Bascombe Road and Bridge Road. It is covered with grass with an area of trees to the north. The site slopes gently to the north and north east.

The surrounding area is used by the golf club, and in both residential and agricultural use. There is a small access road on the western side of the site that provides vehicular access to a number of dwellings and a pedestrian link to the Broadsands area. Bascombe Road runs along the south west boundary of the site. The site is visible in the street scene from both Bascombe Road and Bridge Road.

In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. Bascombe Road is shown as being a cycle route.

Site 2 relates to 15.4 hectares of land to the north east of Churston Court Farm. The site area is divided into;

- 7.7 hectares of land in existing agricultural use
- 1.3 hectares of land in equine use

- 6.4 hectares of land currently used as part of the existing golf course.

The land is currently used as golf course land, agricultural land and in equine use. The ground levels on the site slope in both north easterly and south easterly directions, forming a valley. There are a number of hedges and trees on the site. There is currently pedestrian access onto the golf club land from the existing greenkeepers yard off Links Close.

Surrounding the site to the north and east is golf club land. Land to the south is in agricultural use. To the east is Churston village. Churston Court Farm, which contains a number of Grade II Listed Buildings, adjoins the part of the western boundary.

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

Detailed Proposals

Site 1

This part of the application is for a new golf club house, coaching facilities, a new access and car park.

The proposed building would be predominantly two storeys in height and would have an L shaped footprint. At ground floor level there would be offices, meeting rooms, a pro shop and changing rooms. In a single storey element of the building there would also be two coaching rooms and a buggy/cycle store. These single storey elements would be accessed externally and there would be no internal link from the main building.

At first floor level the following is proposed; lounge, dining room, bar and two terrace areas. The building would be part dug into the ground resulting in the entrance being at an intermediate level with users either going down half a storey to the pro shop, changing and administrative space, or going up half a storey to all the social functions of the building.

The proposed clubhouse would have a floor area of 1,423 sqm (1,306sqmGIA). In comparison the current clubhouse building has an approximate gross internal floor area in excess of 1,000sqm (the ground floor footprint of which occupies 734 sqm GIA).

It is proposed to finish the building in natural limestone and Siberian larch vertical boarding. The roof would be a green roof with sedum planting. The balconies would be bounded by toughened glass with a timber rail. Windows would be aluminium powder coated and rainwater goods, eaves and soffits would be finished in zinc.

125 car parking spaces are proposed on the southern side of the clubhouse, with additional land available for overspill parking. The applicant has been requested to utilise materials and design to provide a parking area with an informal character. The surface area for parking has been revised to grasscrete and minimal bay delineation has been agreed. Details of the surface material for the circulation areas in the car park are still awaited.

This part of the application also includes provision for a new Lee Westwood Coaching facility. This would be a formal Golf School run as part of the Golf Club which would provide;

- 10 Gap year students on site for 37.5 hour week with occasional visits by lecturers
- Up to 30 summer students staying locally for 4-8 weeks with occasional visits by lecturers
- Up to 50 1-2 Corporate and Private Golf breaks across the year, with on average 6 persons per break

Vehicular access to the car park would be from the road that runs across the golf course. The access to the car park would be curved to avoid a direct line of sight from Bascombe Road into the car park.

As part of the application it is proposed to widen the access road onto Bascombe Road as there is currently limited visibility at this junction. This would involve rebuilding the stone posts that are on either side of the entrance. There would also be some alteration to the alignment of Bascombe Road. Effectively the carriageway of Bascombe Road would be moved to the north east in part onto the golf club land. To maintain the carriageway width a raised grass bank would be formed on the south west side of the carriageway.

In the Transport Assessment the applicant has offered the following as part of the application;

- to fund an improvement to the junction of Bridge Road and Dartmouth Road that would provide a new left hand turn lane, and;
- to fund a footpath adjacent to Bridge Road from Dartmouth Road to Bascombe Road.

Site 2

The second part of the application proposes to change 7.7 hectares of agricultural land to land used as part of the golf course. It will be used to form three tees, fairways and greens to provide 3 new holes. The creation of the new golf holes will include the creation of two wetland areas and other limited ground re-profiling works to form the new fairways. The site also includes 6.4 hectares of land that is currently in use as existing

golf course, which will be used as a golf practice and coaching area.

Included in the application is 1.3 hectares of land currently used as equine grazing. This would be changed to use for cattle grazing. In addition an off-site area of 4.35 ha/10.76 acres would be managed for replacement grazed pasture. This land is currently used for silage/hay and aftermath grazing.

A Landscape and Ecological Management Plan for the entire golf course is also included, with the detailed measures to be agreed as a plan for the management of the whole of the golf club land. This is because the extension of the golf club into farmland would result in the loss of areas of existing cattle grazed pasture, which is important for foraging Greater Horseshoe Bats and these measures would provide ecological mitigation to offset the impact of the proposed development.

The proposal also includes new planting of native trees, shrubs and hedge banks. New bat roosts are proposed to be installed in the existing sheep croft and lime kilns.

Summary Of Consultation Responses

Brixham Town Council: Recommend refusal on the grounds of Highways and traffic concerns, 106 agreement and the fact that it is in an AONB.

SWW: No objection in terms of capacity within our infrastructure to serve the development proposal.

EHO: No objection to the actual development, but has concerns over the noise from club members and customers using the car park and the potential for a detrimental on the neighbouring residents. The particular concerns highlighted are:

- 1) noise during the early hours of the morning and late evenings, and;
- 2) potential for noise breakout from the premises arising as a result of the functions held at the premises.

As a result of these environmental health concerns the officer has recommended conditions relating to sound insulation in the building, a restriction on delivery times (only between 08:00 and 18:00) and the provision of an acoustic barrier.

Environment Agency: No objection to the proposals and endorse the principle of using infiltration techniques as a means of managing surface water runoff. Given the low density of development there would be scope to provide alternative features should infiltration alone not be adequate to manage the runoff to current standards.

Archaeological Officer: Agrees with the recommendation in the archaeological assessment that mitigation in some form is carried out during or prior to construction in the clubhouse area. This can be addressed by condition.

Sport England: Have provided 'in principal' consent for the proposal to go ahead due to a net increase in usage for the Golf course and facilities. States that a bigger pavilion and increased coaching areas, are in the best interest of sport and long term sustainability of the Club. Sport England have agreed that the terms and conditions of the original award (of £273,744 in 1997) will be extended for a further 21 years and covered by a new Community Use agreement, from the date of the relocation to the new facilities. It is noted by Sport England that this secures the use of the new clubhouse for existing and new users and will directly benefit the local community that the club serves.

CPRE: Objects to the proposal on the following grounds; the prominent location is incompatible and injurious to the rural nature of Churston, the access is very poor and would create intolerable extra traffic in the area and it would have an adverse impact on residents and tourists as the golf club house would be the 'wrong' side of Bascombe Road requiring all traffic to cross or pass through the already hazardous junction with Bridge Road.

Drainage engineer: Requests further information in order to check the design of the surface water drainage system.

Highways: No objection in principal. Requests the receipt of further information.

Natural England: Site 2 is sensitive to impacts upon foraging and commuting habitats of the Greater Horseshoe Bats. Concern is expressed about the loss of hedgerows on the site. It is specifically requested that the Construction and Environmental Management Plan (CEMP), Landscape and Environmental Management Plan (LEMP), and S106 are finalised in advance of a decision by the Council. Furthermore it is requested that all mitigation works are implemented in advance of predicted impacts to reduce detrimental effects. Requests that due consideration be given to comments from the AONB unit. Expects the Local Planning Authority (LPA) to assess and consider possible impacts resulting from this proposal on;

- Local sites (biodiversity and geodiversity)
- Local landscape character
- Local or national biodiversity priority habitats and species.

RSPB Requests that the Construction and Environmental Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP) should be drawn up and agreed before a decision is made on the application. Support for comments of NE in regard to the importance of retaining hedge networks on site and the necessity of replacement vegetation. Suggests the new clubhouse building should make provision for nest sites for birds. It is noted that the proposed golf club extension site currently supports 5 breeding pairs of ciril buntings. Management of this site needs to maintain this regionally important population level. Appropriate habitat retention, creation and management, and a suitable CEMP and LEMP are essential to this, as well as appropriate off-site compensation habitat.

South Devon AONB Unit: Welcomes the decision to reposition the proposed clubhouse and car park to the site outside the AONB and has no objection to the proposal.

Arboricultural Officer: Recommends approval subject to a number of pre commencement conditions.

South Devon Ramblers: Objects to the proposal on the grounds that the proposal will present a significant loss of amenity and tranquillity to local walkers and the lanes around the golf club will become increasingly unsafe to walkers.

Summary Of Representations

A considerable number of letters of objection have been received. In addition, in excess of 260 letters of objection were received to application reference P/2012/1194. These are relevant to this application and should be considered in the determination of the proposal.

One letter of support has been received along with a letter from Churston Golf Club containing 235 names in support of the application. The correspondence from the Golf Club also advises that a further 75 people attending the meeting voted in favour of the application (making a total of 310 supporters from the Golf Club).

Copies of all the representations are in the Members room.

The points raised in objection to the proposals include;

- Increased risk to students leaving Churston Grammar School presented by extra traffic emerging from Bridge Road.
- The development will have an impact on Greater Horseshoe Bats and other species of birds nesting in the area.
- Loss of tranquillity in this quiet residential area
- Bascombe Road and Bridge Road are single track in places and will not be safe with the additional traffic that this proposal will attract.
- The exit off Bridge Road onto Dartmouth Road will become jammed and challenging and long tailbacks will become a problem to other road users and walkers.
- Bascombe Road and Bridge Road have no pavements meaning pedestrians face a greater hazard due to increased volume of traffic.

- The small narrow roads are unsuitable for heavy goods vehicles which will be delivering to the golf club.
- Present location of the club house is more preferable as it is located on a main road.
- We should be preserving our agricultural land so that we can produce more food locally.
- The location for the new holes is in a coastal preservation area which you, the Council, have determined should not be disturbed.
- Unacceptable use of the AONB for golf holes
- Bascombe Road and the surrounding area is susceptible to flooding.
- Light pollution
- Two highly attractive stone pillars will be removed from the entrance to the road
- The development is contrary to the local plan
- The development will destroy the exceptional landscape and architectural appeal of this “green lung” between Brixham and Paignton.
- The proposed golf club house is 40% larger than the existing club house
- The site is proximate to the sw coast path and in the middle of significant leisure walking routes.
- The application has been made without consulting the local community.
- There would be added noise, pollution and a detrimental effect to the lives of all residents in the area

The following points are raised in the letter of support;

- Proposal will secure the future of the golf club
- Improved golf club will provide a welcome boost to the tourism industry
- The new club house has been specifically designed to have a low profile and blend in with the contours of the land
- There will be no material effect on traffic volumes
- The new golf clubhouse won't change the character of the area, the area has been part of the golf course since about 1923

Relevant Planning History

The following applications are considered directly relevant to this application (historic decisions having limited weight due to the passage of time and change to legislation and policy in the intervening period);

P/2013/0034 Formation of 42 extra care flats and communal facilities with associated landscaping and parking. Revised plans received showing revised design and layout, Churston Golf Club site-current application.

P/2011/0829 Demolition of clubhouse, outbuildings and care park and development comprising up to 90 dwellings, 42 bed extra care scheme (use 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), Site Of Existing Club House, First And Eighteenth Holes, Churston Golf Club, Dartmouth Road, Brixham approved 20.12.12.

P/2012/1194 Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.

Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham

Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm - Withdrawn

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

Refused 26.7.12 for the following reasons;

01. The applicant has failed to prove that there are exceptional circumstances to justify the proposed development of the golf club house, golf practice coaching building, parking area and access road on the site which is located within an Area of Outstanding Natural Beauty designated for its nationally important outstanding landscape quality. Furthermore, the applicant has failed to demonstrate that the proposal would be in the public interest; as such the proposed development is contrary to paragraph 116 of the National Planning Policy Framework and the policy tests set out in policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The application site forms part of the wider undeveloped countryside between Brixham and Paignton that acts as an important green wedge that separates the two towns. The proposed development would seriously harm the value of this Area of Outstanding Natural Beauty by reason of the scale of the developed area, and the increased activity and disturbance that would be generated from the relocation of the club house and ancillary development to this site. This would be detrimental to the tranquil nature of the area that is valued for its distinctive undeveloped character and which is adjacent to the historic Churston village. The development would also unacceptably compromise and erode the extent and quality of this part of the undeveloped coastal landscape. As such the development would be contrary to the objectives of paragraph 123 of the National Planning Policy and policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The proposed development by reason of its location, being remote from the public transport network, would fail to meet the Council's objective of securing a sustainable land use transportation strategy and would instead result in the reliance on travel by private car. The development in the proposed location would generate additional traffic (including servicing traffic) on the local highway network of Churston Road, Green Lane and Bascombe Road that would be likely to have a significant adverse impact on highway safety and the free flow of traffic, by reason of the narrow width of the roads, the lack of footpaths and existing vehicular congestion in the area. The proposal is therefore contrary to Policies T1, T2 and T26 in the Torbay Local Plan 1995-2011.

04. In the absence of any signed s106 legal agreement, the scheme fails to secure the provision of mitigation measures to ensure that there is no likely significant impact on Greater Horseshoe Bat foraging and commuting habitats, that are protected by the South Hams Special Area of Conservation to make the development acceptable in planning terms. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies NC1, NC5 and CF6 of the Torbay Local Plan 1995-2011 and paragraph 203 of the NPPF.

P/1999/0592PA Continuation of use for golfers practice area etc without complying with condition 1 of consent 97.0501 (ie use to cease 1.7.99) approved 12.7.99

Condition 1 states “No more than five cars associates (sic) with the practice area should be parked adjacent to the green keeper’s yard at any one time”.

Key Issues/Material Considerations

The main issues are the principle of the proposed development on the two sites. On site 1 the key considerations to be addressed are the design and appearance of the building, the impact on visual amenity, the highways impact and the impact on the amenity of nearby residential properties. On site 2 the key considerations are the impact of the proposed development on the AONB, and the impact on ecology and wildlife.

The broader impact of the proposed development on the economy and (indirectly) the delivery of homes and jobs is a consideration relevant to both sites. As is the wider potential environmental benefits of the scheme associated with the proposed LEMP that is intending to cover the entire golf course area.

Site 1 -

Principle and Planning Policy -

For the majority of planning applications the “presumption in favour of sustainable development” (para.14) in the NPPF is applicable and a substantive consideration. In this case, because Site 2 is within the sustenance zone of the SAC (Special Area of Conservation) and the application includes the removal of hedgerows and a change in use of land from grazed pasture to golf course, a full Appropriate Assessment under the Habitats Regulations will be required. This is because features of habitat value to the

Greater Horseshoe Bat are materially affected by the development.

The implication of this is that para.119 of the NPPF applies. This clearly states that the presumption in favour of sustainable development does not apply in the case of development requiring appropriate assessment.

Notwithstanding that there is no presumption in favour of development in this case. The application needs to be judged on its individual merits against relevant policy and other material considerations.

A key objective within the NPPF is to encourage economic growth in order to create jobs and prosperity (para.18). Para. 28 of the NPPF supports the creation of a prosperous rural economy. It advises that there should be support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. "Sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside" are identified as a way to promote a strong rural economy.

In the Torbay Local Plan 1995-2011 this site is designated as Countryside Zone. Policy L4 is applicable and this states that development will not be permitted where this would lead to the loss of open countryside and the creation of urban sprawl. However, a number of types of development are identified as being permitted in this Policy area and this includes *(5) development associated with outdoor sport and recreation*. The proposed use of the site for a golf club house and associated parking facilities would fall into this category of development associated with sport and recreation.

Policy L4 seeks to retain the rural character of the area and the special character and setting. An important consideration is therefore how the proposed development would affect the rural character of the area.

There is a large area of open land on the golf course with views across this land from adjoining roads. This makes an important contribution to the character of the area. Although the wider network of country roads includes rural corridor development and hedgerows so as to enclose the route, this area has an open character that provides some local relief.

It is noted that there is no public access to the land, although it is clearly visible in the street scene. Furthermore, the proposed clubhouse building and car park would cover part of this area of the golf course whilst retaining significant areas of open space around the building and to the north. The existing view to the north (towards the sea) from Bridge Road, would be retained as a result of the development. Albeit that the foreground to that view would be demonstrably narrowed and significantly altered from its current context.

It is a matter of judgement as to whether the proposed Golf Clubhouse would have an effect on the rural character of the area. Policy L4 is a permissive policy that supports appropriate forms of development within the Countryside Zone and specifically refers to

the development type proposed here. However, at the same time the policy seeks to protect the spread of inappropriate uses into the countryside and retain the rural character of the area.

In order to reach a balanced consideration of the effect of the proposed development on the character of the area it is necessary to consider the issue of the visual effect of the development along with the wider benefits to the area that would result from approving the development. By considering the visual impacts of the proposed development and the wider long term benefits that would result, this will enable a balanced decision to be made on whether the effect of the proposal on the character of the area would or would not be acceptable. These issues are addressed in more detail below.

Policy R2 also supports proposals for outdoor recreation provided there would be no detrimental effect on residential amenity, the proposal would be acceptable in highway terms and there would be no detrimental effect on nature conservation, landscape protection or preservation of the best and most versatile agricultural land.

Visual Impact -

The visual impact of the proposed development and the effect on the appearance and character of the area is a key issue to be considered. Para.28 of the NPPF recognises that new development in rural areas should respect the character of the countryside and Policy L4 in the Torbay Local Plan 1995-2011 identifies that new development should not be detrimental to the rural character of the area.

In support of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted and this has been supplemented by the submission of visual montages from Bridge Road and Bascombe Road. The LVIA contains a detailed appraisal of the effect of the proposed development on the surrounding area. In the summary it is advised that the replacement club house proposals comprise facilities that relate directly to the existing land use, and are located on an area not subject to any landscape designations.

It is also stated that the site is relatively well enclosed with limited visibility. Local views are restricted to adjoining roads and longer distance views are limited. Landscape and visual mitigation of the proposals has been a fundamental part of the design process. It is considered in the LVIA that the visual effect of the proposal would be moderate adverse. This relates to views of the proposed clubhouse and car park immediately following completion, from views in the immediate vicinity. In time as the proposed vegetation matures such adverse local visual effects will lessen.

The submitted photo montages are helpful to consider the visual effect of the proposed development. The applicant has provided an interpretation of how the building will fit into the landscape immediately after development is completed, and 10 years after completion when the landscaping has matured.

The clubhouse building and car park will be very visible from the northern end of Bridge Road after the railway bridge, from Bascombe Road and from the lane across the golf course. The photo montages show the impact of the development following completion on these localised views.

After 10 years the building will be partly obscured by landscaping but will still be evident in the street scene. Furthermore, the landscaping will itself change the character of the area and reduce localised openness, albeit that this will retain a form of rural character.

The Bascombe Road photo montage has also been submitted showing the height of the hedge along Bascombe Road being allowed to increase in height and this has the effect of providing screening of the proposed building from Bascombe Road. Albeit that this will take time to mature and become effective.

The LVIA and photo montages indicate that the club house will be evident in the street scene. Due to the topography and existing landscape features the extent of visual influence will be limited to areas in the immediate vicinity of the site as highlighted above. The proposed club house by reason of its size and height will inevitably have an impact on the appearance and character of the area. The issue to be considered is how the proposed development would impact the character of the area, and whether this would be so significantly detrimental as to warrant refusal in an area designated as Countryside Zone in the Torbay Local Plan 1995-2011.

In comparison with the proposed club house building submitted under application reference P/2012/1194, the design of the building has been revised to increase its sensitivity to the rural character of the setting. A grass roof is proposed and the materials palette of natural stone and larch cladding would soften the visual effect of the building through reflecting the rural setting of the site. It is proposed to partly dig the building into the site to reduce its height and to create an embankment around the side of the building to provide some additional screening. This will have the effect of sinking the building further into the ground.

The application site forms part of an open swathe of golf course. The proposed use as a golf club house would directly relate to the existing land use on the site. The area does have a mixed character and there are two storey dwelling houses on both sides of Bascombe Road (at intervening points) in the vicinity of the site.

The surrounding area can be characterised as an area of mixed open space and low density buildings. The introduction of a building on this site wouldn't be completely alien to the character of the area, although the scale of the proposed building would be clearly larger than dwellings in the area. In addition the land area for the car park would be significant.

The zone of visibility of the proposed club house is limited to an area adjacent to the site, and the building would be clearly apparent from these local viewpoints. The proposal to allow the hedge along Bascombe Road to grow would provide additional screening in

the street scene. The increase in height of the hedge would be consistent with the character of the road as a rural lane, and other stretches of the road where the hedges obscure views across adjacent land.

The proposed alterations to Bascombe Road would be clearly evident. The design has been landscape led to retain the character of the area. This is evident by the use of a grass bank to reduce the carriageway width and to slow traffic using the road. The revised alterations to Bascombe Road would not change the overall character of this stretch of the road and would not have an adverse impact on the visual amenity of the area.

Highways -

Both a Transport Assessment (TA) and Travel Plan have been submitted in support of the application. The Transport Assessment advises that traffic flows to and from the proposed golf club house would be signed from the A3022 at Bridge Road. It is acknowledged that members arriving from Brixham would be likely to use Copythorne Road and Bascombe Road. Although the signing to and from the proposed golf club house would encourage traffic to use Dartmouth Road and Bridge Road it is accepted that local knowledge may result in trips via Bascombe Road from the Windy Corner signals.

The application includes an improvement to the highway layout at Bascombe Road to accommodate the access and improve visibility and highway alignment through the junction. In the TA it is advised that pedestrians and cyclists would access the site primarily from Bridge Road and Lower Fowden. A footway/footpath link along Bridge Road is to be funded by the development, securing this link remains an issue to be resolved and progress on this will be reported to the committee on the 11th March.

In the TA it is advised that traffic movements to and from the existing Golf Club House were recorded as part of the traffic surveys. In the AM highway peak hour (07.45 to 08.45) there were 11 arrivals and no departures and in the pm highway peak hour (16.15 to 17.15) there were 9 arrivals and 16 departures. The TA states that given the nature of golf, there are a greater proportion of arrival trips between 09.00 and 14.00 and a greater proportion of departure trips between 14.00 and 19.00. The maximum parking accumulation in the existing Club house car park was recorded as being 91 vehicles. Using this figure as the basis for assessing the impact on the local road network has been challenged by the local community and the Council is seeking further advice from an independent Transport Consultant on this point.

In calculating future traffic flows the recorded traffic flows for the existing club house were increased by 10% before being redistributed to the new access arrangements. The intention of this was to take into account the increase in the size of floor space of the club house and to reflect any impact of the proposed Golf Academy, which is estimated at three vehicle trips per day on average.

The TA advises that as a result of the Golf Club development an additional 5 vehicles per hour in the am peak would use Bascombe Road on the Brixham side of the Club house travelling in either direction. An additional 11 vehicles would do so in the pm peak hour, again travelling in either direction. This equates to 1 additional vehicle movement on Bascombe Road on average every 5.5 minutes in one direction or other during the pm peak hour.

The amount of vehicles using Bridge Road would be increased to an additional 17 vehicular movements per hour in the pm peak period, which would comprise an additional 11 vehicles travelling south towards Dartmouth Road and an additional 6 vehicles travelling north towards the club house.

It is calculated in the TA that the impact of this additional volume of traffic would result in an additional 9 vehicles queuing to leave Bridge Road in the pm peak period in comparison with the projected volume of traffic without the golf club development. The applicant has suggested they could fund the widening of Bridge Road to 2 lanes to ease this congestion and improve capacity at the junction. This would result in the queue of traffic being revised to 8 vehicles waiting to turn right and 4 waiting to turn left at the peak period. The Senior Transport Planner has confirmed that the Council would wish to see this improvement carried out to the Bridge Road junction. The applicant would fund this improvement at a cost of £40,000.

As part of the application a new footway along Bridge Road would be funded for use by pedestrians and cyclists. This would encourage the use of sustainable modes of travel to the new Club House and would also benefit the wider community as the footpath would link to the existing footpath from Broadsands to Bascombe Road. The applicant would fund the cost of this footpath which would be £23,500.

The principle of the provision of the footway is welcomed as it would encourage sustainable travel to the proposed Golf Club House and would also link well with the existing bus stops on Dartmouth Road. There would also be a wider benefit to the community who would use the path as a safe route between Dartmouth Road and Bridge Road. There is some concern about the deliverability of this path as the route would cover land in a variety of ownerships. The applicant has been requested to provide confirmation that the provision of this path would be capable of implementation. The delivery of the footpath would be secured through the S106 agreement and confirmation as to progress on this issue will be reported to the committee on the 11th March.

The application includes carrying out works to improve the visibility and highway alignment of the proposed access to the Club House with Bascombe Road. These works would result in the existing width of the carriageway being maintained. The provision of a narrow carriageway (4.2 metres wide) in this location would be an appropriate solution as it would slow traffic down in this area where there are junctions on either side of Bascombe Road. Widening the road would encourage faster traffic speeds and would have the potential to attract additional volumes of traffic to use

Bascombe Road rather than the A3022.

The Council's Senior Transport Planner has advised that in principle there is no objection to the proposal. Further information has been requested from the applicant about servicing and about traffic associated with the Golf Academy.

The Churston, Broadsands and Galmpton Community Partnership has submitted a highway consultants report that raises a number of concerns relating to highway safety and states that there are deficiencies in the Transport Assessment. The Council's Senior Transport Planner is reviewing this document and his comments will be reported to Members.

The Council has also commissioned an independent highway consultancy to carry out a review of the TA and the proposed highway works to provide advice on whether it is robust and fit for purpose. This report is awaited and will be reported at the meeting to Members.

Impact on residential amenity -

The applicant advises in the Planning Statement that the Golf Club would be willing to limit the number of 'late' events that take place at the golf club during the year and to restrict the use of outdoor areas including balconies to 22.30, to protect the amenity of neighbouring properties. The club would not hold more than 10 late events per year.

The Environmental Health Officer has raised concerns about the potential of the new clubhouse to have a detrimental impact on residential amenity due to noise and disturbance from golf club members arriving to play golf in the early morning, and through use of the building in the evening. He has suggested that an acoustic barrier should be provided between the car park and the road.

There is concern about the need for an acoustic barrier on the basis that it would be an expensive solution to protect the amenity of the residents of the nearest property and would also have a further impact on visual amenity. Considerable work has taken place to landscape the development, and an acoustic barrier has the potential to be visually detrimental to the appearance and character of the area. In an alternative approach to this matter the Golf club has been requested to consider how the use of the clubhouse during the early morning can be managed to prevent nuisance to nearby properties. This could be, for example, through parking away from the boundary with neighbouring properties. Measures to ensure adequate sound insulation is installed and that windows on the west elevation are kept shut during the evening, can be addressed by means of condition.

The Environmental Health Officer has also suggested that the premises should not be used between the hours of midnight and 6 am and that deliveries should be restricted to between the hours of 8am to 18.00. These matters can be addressed by means of conditions.

- Environment

The only specific designation relating to the site is as Countryside Zone in the Torbay Local Plan 1995-2011. There are no wildlife designations. It is noted that as part of the proposal 35 trees will be felled. A robust landscaping scheme would be needed to offset this loss and to ensure that an equivalent quantity of replacement landscape features will be provided to have a neutral impact on bio diversity. A strategic planting plan has been requested by the Arboricultural Officer.

The RSPB has requested that the Club House building make provision for nest sites for birds. The use of a green roof on the Club House building would be welcomed as an opportunity to increase biodiversity on the site.

The Habitats Regulation Assessment (HRA) screening of the application by the Council's Ecology consultant is awaited. It is anticipated that because of changes proposed to hedgerows and land use within the AONB and SAC sustenance zone, an Appropriate Assessment will be required.

- Historic and Archaeological Impacts

A considerable number of residents have expressed concern about the proposal to reposition the two stone piers located on either side of the lane across the golf course. These piers have limited historic provenance as Ordinance Survey records show that they were moved into

their current position in the interwar period sometime between 1904 and 1933. They are an attractive vernacular feature but are not listable under the current criteria. There would be no historical reason why they could not be moved. As part of the application it is proposed to reposition these piers on either side of the wider access and for them to be retained.

An Archaeological Assessment has been submitted in support of the application. This assessment has highlighted that the site is of moderate archaeological potential for the recovery of Prehistoric finds, low potential for remains from the Roman and Saxon date and low potential for the Medieval and post Medieval periods. Some archaeological mitigation is advised in the assessment. The Senior Historic Environment Officer has recommended that this can be addressed by means of a condition.

Site 2 -

This is broadly the same area of land that was considered for the site of a new Golf Club House and change of use to form new golf course under application reference P/2011/0838.

In comparison with this previous application the Golf Club House has been removed from this part of the site and the following changes have been made;

- Inclusion of a 'ha-ha' bank feature across a gap in a hedge to maintain bat connectivity
- Provision of additional east-west linear feature of native tree and shrub planting
- Reduction in the area of onsite pasture on the existing area of horse pasture (to 1.2 ha)
- Changes to proposed hedge removal, both a reduction and an increase.

Principle and Planning Policy -

This part of the application site is designated as AONB, Countryside Zone, and Coastal Preservation Area. The south western part of the site is within the Churston Conservation Area and part of the site is designated as a County Wildlife site.

The key issues to be considered in respect of site 2 are the impact of development on the landscape within the AONB and the impact on ecology and wildlife.

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.

The NPPF provides an 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 nor 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 the designation as AONB is a national designation. 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 linked to the approved application, reference 2011/0829, for residential development on the site of the existing club house and 1st and 18th. 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 golf course alterations in the AONB the approved residential development (P/2011/0829) of the 1st and 18th would not be deliverable.

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 is 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 process. 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 advises in the Planning Statement that the proposed development will help to ensure the Club's long term future, through the retention of existing club members and the attraction of visiting players. The proposals would also enable the Club to accommodate the Lee Westwood Golf Academy (outside of the AONB) which would encourage younger players, boost local employment and tourism and raise the profile of Torbay.

The economic report written by DTZ and submitted in support of the application 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.

As stated above, this planning application is linked to the delivery of the residential development on the existing golf club house site. Without the re-provisions of holes in the AONB and a new location for the Golf Club house (outside of the AONB) the approved development (under application reference P/2011/0829) of 132 dwellings would not be capable of implementation.

The provision of the development approved under P/2011/0829 would contribute to the Council's 5 year supply of housing land. In addition 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 on the residential site 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. In addition there would also be benefits from the receipt of the New Homes Bonus and financial contributions from the S106 agreement attached to application reference P/2011/0829.

The reserved matters planning application for the Extra Care facility on the site of the existing Golf Club House (ref P/2013/0034) is current and has been submitted. A £1

million grant has been secured by the applicant from the HCA. This funding is available providing the development is commenced in the summer of 2013. In order to implement the proposed Extra Care facility, planning permission would need to be secured for an alternative location for the Golf Club house.

In terms of the continued operation of the golf club the applicant has not proven that without this development the golf club would cease to operate. Therefore the need to relocate the clubhouse and reconfigure the fairways carries limited weight in determining the proposal. However the impact on the local economy would be beneficial. The benefits of the proposal to the economy and perception of Torbay could also be significant.

Policy L3 in the Torbay Local Plan 1995-2011 relates to Coastal Preservation Areas and is a restrictive policy that limits development within these areas to that which cannot be accommodated elsewhere. This Policy is not fully NPPF compliant as it contains greater controls over development than Policy L1 relating to AONBs. The NPPF indicates at para. 113 that the AONB has a higher level of protection, therefore Policy L3 would have limited weight in the determination of this application.

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

It is possible 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 and long term maintenance of the AONB in accordance with the requirements of Natural England and the RSPB could be lost.

As stated above the delivery of the 90 new homes and 42 extra care unit on the existing club house site are dependent on the relocation of the Club House.

The applicants have also provided a summary of work carried out to assess alternative sites. There are a limited number of available sites outside of the AONB and

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, as the site is within the AONB and within the sustenance zone of the Berry Head Special Area of Conservation.

The impact on landscape is a balanced assessment. The proposed development would result in the loss of 11 hectares of agricultural land, however this would be offset by the change of use of 1.15 ha/2.84 acres currently used for equine purposes, a horse ménage and wooden stable block with a wooden stable block to cattle grazing, the provision of the off site mitigation area which would result in a total area of off site mitigation of 5.5 ha/13.6 acres and 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.

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.

Conclusion on AONB considerations

Having given consideration to all material matters as outlined above, in the event of certainty being reached there is the potential for the scheme to be acceptable in relation to the impact on the AONB. This is because of the balance of economic and environmental benefits against environmental impact.

The South Devon AONB Officer has no objection to the scheme and provides a helpful summary of the AONB considerations in his consultation response. His conclusions are in line with officers conclusions and he states that:

'The revised proposals relating to the playing area (fairways, greens, practice areas) will introduce a more intensively managed regime to that part of the AONB, and remove some land from established agricultural use. However, although this is in some ways a more "artificial" type of land use, the existing golf course as a whole makes a valuable contribution to the appearance and character of the locality because of its significant areas of trees, scrub, hedges and rough grassland. Despite the fact that the course is a managed area of land, these features are in many places informal in appearance and lend the area an open, almost "parkland" type of character. The proposal to extend the area of golf course is therefore not incompatible with that character.'

However, at the current time there remains a key issue that is unresolved, that is the current uncertainty over the detail of the LEMP and CEMP. Natural England and the RSPB have, at present, requested that these documents are produced in detail before a decision is reached.

Whilst this is unusual (in that detailed measures in such documents are often dealt with post decision through a s106 and / or condition), the importance of certainty in determining this application is a valid consideration. This is especially true given the sensitivity of the area as AONB and its habitat value in support of the SAC. As such, at the present time officers are not in a position to recommend the application on grounds of acceptability in relation to the AONB. The more detailed ecological issues that remain unresolved and are related to the LEMP and CEMP are covered in detail below.

Impact on Ecology and Wildlife-

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 2012 for likely significant effect on a European site. This report is awaited and will be reported to Members.

The applicant has submitted a detailed Ecological Assessment Report. This confirms that extensive ecological survey and assessment of the site has been undertaken. It is concluded that whilst the Golf Club extension site itself does not support any bat roosts, the existing hedgerow network and grazed pasture provides an important resource for foraging and commuting bats, including Greater Horseshoe bats, a qualifying interest feature of the South Hams Special Area of Conservation (SAC) located over 2.5km away.

Part of the site is designated as a County Wildlife Site for its previously recorded breeding population of Cirl Buntings and baseline surveys confirmed the presence of five Cirl Bunting territories on/overlapping the site, which represents 0.5% of the current UK population.

Other ecological features recorded across the site included the presence of Badgers, a Barn Owl roost site and other notable bird species typical of farmland/urban fringe habitats during both the breeding and wintering periods and a 'good' population of Slow Worms.

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.

- 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 hectares.
- 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
- 1 Barn Owl box would be installed on the site boundary.
- Two Devon hedgebanks will be created in new locations (through translocation and reinstatement) to enhance connectivity.
- Pockets of native shrub planting will be created around the golf course
- Large expanses of less intensively managed grassland will be created (areas of 'rough') and will be managed for wildlife in accordance with a LEMP.
- Linear bands of native tree/shrub planting are proposed and will maintain habitat connectivity (including bat flight paths) within and across the site
- 2 wetland features will be created with features to benefit wildlife

Natural England (NE) has raised concerns about the proposed loss of parts of the hedgerow network and the impact that this would have on the foraging and commuting habitats of the Greater Horseshoe Bats. They are concerned because Greater Horseshoe Bats tend to be reliant on the continuity of linear features to navigate. The applicant has given consideration to these points and provided greater detail of the proposed changes to the hedgerows. Natural England's response to this additional level of detail is awaited.

Natural England has also suggested that the CEMP and LEMP are finalised in advance of a decision by the Council. They have been asked provide further information in relation to this advice, as it would be normal practice for the CEMP to be produced in detail when a contractor has been appointed following a grant of planning permission. The contractor would need to be involved in the preparation of the CEMP as they will be

responsible for carrying out the development on the site. In addition a reasonably detailed draft LEMP has been submitted that was accepted by NE under previous application reference P/2011/0838 and NE have been requested to clarify whether there has been a change in circumstances to justify their current request for a full LEMP prior to a grant of planning permission.

The RSPB has raised concerns about;

- Adequacy of the proposed on-site mitigation and off-site compensation
- Receipt of Higher level and Entry Level Stewardship agreement payments supporting current management on some farmland proposed for golf course extension and off site compensation land.
- Lack of detail for the LEMP for the golf course
- Absence of a LEMP for the off-site compensation.

The applicant has been requested to respond to these points.

RAGS and the Community Partnership have jointly submitted a bat survey of Marrison Wood, Seven Quarries and The Grove Wood and a report on the Likely Impact of the Churston Golf Club development on the Berry Head Greater Horseshoe Bats. The survey records evidence of the use of caves to the north of the application site by bats including Greater Horseshoe Bats. The report raises concerns about the effectiveness of the mitigation measures proposed by the applicant. Natural England have been asked to respond to the survey and report and their observations and those of the Council's ecological consultant will be reported at the committee meeting.

There remain a number of unresolved matters which provide uncertainty in relation to the ecological impact of the development. At present this uncertainty consists of:

1. NE and RSPB requests for more detailed LEMP and CEMP documentation before a decision is reached,
2. The absence of a completed Appropriate Assessment,
3. The lack of clarity over the impact of hedgerow loss and NE's response to that issue,
4. The issue raised by the tenant farmer of the risk of cattle grazing the proposed mitigation land near to known badger setts, and;
5. The position of the tenant farmer in his clearly stated reticence to sign the s106 to which he will need to be a signatory.

Given the uncertainty that is currently evident in relation to the ecological considerations and given the precautionary principle set out in the Habitat Regulations Assessment, officers are not in a position to recommend approval in relation to ecological impact.

Landscape -

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, by:

- Encouraging the golf course to manage rough areas for wildlife
- Seeking to bring farmland under HLS and restore the 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), thereby drawing the conclusion that the landscape could accommodate some change. In management terms it is recommended that the landscape be restored.

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 changes to the existing golf course to provide a practice/coaching area will have limited effect on the appearance and character of the area. The change of use of the agricultural land to golf holes will have greater impact particularly as there would be some re-grading of the land in this area. However, this part of the site is only visible from the immediate surrounding area and the overall impact would be limited by the valley location. The more prominent landform changes are principally located within the valley bottom.

The AONB Officer has advised that he welcomes the decision to reposition the proposed clubhouse and car park to the site outside the AONB and has no objection to the proposal. As set out in the AONB section about, he confirms that this has the effect of removing the built elements of the scheme from the nationally designated landscape area.

He advises that the revised proposals relating to the playing area (fairways, greens, practice areas) will introduce a more intensively managed regime to that part of the AONB, and remove some land from established agricultural use. However, although this is in some ways a more "artificial" type of land use, the existing golf course as a whole makes a valuable contribution to the appearance and character of the locality because of its significant areas of trees, scrub, hedges and rough grassland. Despite the fact that the course is a managed area of land, these features are in many places informal in appearance and lend the area an open, almost "parkland" type of character. The proposal to extend the area of golf course is therefore not incompatible with that character.

It is also noted by the AONB Officer that while some areas of agricultural land and hedgerow will be removed, this will be balanced by the on-site landscape mitigation works combined with the proposed wider Landscape and Ecological Management Plan which will provide a valuable opportunity to strengthen and maintain the landscape character, visual appearance and habitat management of the whole course in the long term.

The AONB Officer concludes that he has no objection to the scheme, subject to conditions.

In relation to detailed concerns, the AONB Officer suggests that parking for the golf practice area should be contained within the existing grounds maintenance depot area to prevent parking on the road. The applicant has responded to this point and confirmed that the existing grounds maintenance area and associated existing parking area is outside of the planning application boundary. There are no proposals within the application to modify the area for parking.

The existing golf practice area will remain as a practice area and it is envisaged that some, if not most, of the users of the practice area will park at the golf club, when it is constructed, because it is much closer than that which exists, and walk to the practice area, thereby potentially reducing the numbers of cars being parked in the current area.

Loss of agricultural land

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 into use for cattle grazing, which will be controlled by a LEMP. In addition, the improvements in farming methods to benefit

Greater Horseshoe Bats, which is to be carried out on the mitigation area of 10.76 acres is to be weighed in the balance (so long as certainty over its delivery can be secured).

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 present uncertainty over the delivery of the mitigation land and the policy considerations in policy R2 in relation to this matter are of relevance. However, in the event that clarification and certainty is provided for the mitigation land this issue is likely to be resolved.

It should be noted that Policy L7 in the Torbay Local Plan 1995-2011 relating to agricultural land is not a saved Policy and is not applicable to the determination of this application.

Accessibility -

There would be no buildings on Site 2 and access would predominantly be by foot. The issue of whether there will be a demand for additional parking as a result of the practice area being located on the site has been raised by the AONB Officer. There is an adjacent parking area in the existing green keepers yard that has a restriction on the number of vehicles that can be parked in the area. It is unlikely that there would be a significant demand for parking adjacent to this site as a result of the application.

S106/CIL -

A Section 106 agreement will be required for the following;

- Funding of additional turning lane at the junction of Bridge Road and Dartmouth Road £40,000
- Funding and obtaining consent of landowners to provide footpath between Dartmouth Road and Bascombe Road £23,500 plus an addition for crossing the railway bridge as yet not specified.
- Provision of off site mitigation measures as outlined in the draft Heads of Terms
- Provision of LEMP and an Ecological Monitoring Report as per appendices to the Ecological Assessment Report.

There are three issues that need to be resolved before the S106 agreement is agreed;

a) it is not clear that the footpath is deliverable and that all the landowners involved have agreed to its provision. The applicant has been asked to provide confirmation that this can be achieved.

b) the tenant farmer who controls the 4.35ha/10.76 acres has indicated that he will not

sign the S106 agreement. Confirmation is required from the applicant with sufficient legal certainty that the tenant farmer will be obliged to undertake appropriate grazing management of the “offsite land”.

c) related to point b is the issue of the impact of grazing the land on the likelihood of the cattle contracting TB, the position in relation to this risk needs to be clarified.

Conclusions

In conclusion, following refusal of application reference P/2011/0838 this application proposes the revised siting of the Golf Clubhouse to a location outside of the AONB. This revision would address the reasons for refusal relating to development within the AONB on the previous application.

The proposed development raises a number of complex issues that require extensive consideration to fully appreciate their implications and to reach an objective assessment. The current position is that a lot of information has been submitted in support of the application, but there is still additional detail required and a number of issues to be clarified before an informed decision on the proposal can be made.

Officers will progress these matters before the meeting and additional information will be verbally presented to Members. This is a reasonable timescale to resolve the outstanding matters, and will prevent unnecessary delay to the determination of the application (in line with current Government advice).

Given the number of issues that are unresolved and that these issues are fundamental to the proposed development, the current position is that officers are not in a position to recommend the application for approval, unless or until these issues can be resolved. In its current form the proposal would not constitute an acceptable form of development. Following the resolution of the outstanding issues it is possible that this position could change and the recommendation of refusal could potentially be overcome. However, this is not a certainty as officers would need to weigh up again the various material considerations of relevance to this sensitive development.

The current position is as follows; the revised siting of the Club House would increase its prominence in the street scene as it would be visible from some public vantage points around the site and would have an impact on the visual amenity of the area. This impact would be limited to a relatively small area around the site, but would nonetheless be demonstrable in the locality.

Local residents have expressed considerable concern about the impact of additional traffic on the road network. The submitted Transport Assessment concludes that the traffic impact would be acceptable. The Council's Transport Planner has requested further information relating to vehicle movements associated with servicing and the proposed Academy. This information is required in order to fully understand the impact

of the proposed development. In addition an independent consultants report has been commissioned and this is needed before a recommendation that there would be no adverse impact on highway safety can be reached.

Both Natural England and the RSPB have raised concerns about potential harm that would result from the part of the proposed development that would be carried out within the AONB. Until the matters that have been raised have been resolved it is not possible to conclude that the proposal would not harm the AONB and have an adverse impact on the foraging and commuting habitat for Greater Horseshoe Bats and Cirl Buntings.

The proposed development is inextricably linked to the residential development of the existing Golf Club House site. In order to deliver development on this site which has the benefit of outline planning permission the Golf Club House needs to be relocated to an alternative location. Permitting the current proposal would allow the delivery of up to 132 dwellings on the existing club house site. Sanctuary Housing has confirmed that they have a grant of £1million for the delivery of the extra care facility on this site, but the funding is time restricted and may not be available if they cannot proceed within the next few months. There would be associated benefits to the area from additional employment as a result of the extra care facility and the Golf Academy, the new homes bonus and an investment in the golf club to improve facilities that would benefit local recreation opportunities and have some impact on tourism.

There are technical matters relating to the delivery of the S106 agreement to be resolved before there can be confidence that the proposed development would be deliverable.

As such, in its current form, the application is recommended for refusal.

Condition(s)/Reason(s)

01. The proposed development would increase the volume of traffic in the locality contrary to Policy T26 in the Torbay Local Plan 1995-2011 which seeks to ensure that the effects of the development on the highway and road safety are acceptable. In the absence of information to the contrary, in relation to details of trips associated with both the proposed Academy and service vehicles attending the Club House, the proposed development would generate additional traffic on the local highway network that would be likely to have a significant adverse effect on highway safety and the free flow of traffic, by reason of the narrow width of the roads, the lack of footpaths and existing vehicular congestion in the area.

02. The applicant has failed to satisfactorily demonstrate that the terms of the S106 agreement can be satisfactorily delivered by reason of failing to demonstrate that:

a) all landowners agree the proposed footpath can be provided on their land and

b) the off-site mitigation area can be delivered.

For these reasons the proposed development fails respectively to:

a) provide sustainable mitigation for the additional vehicular movements that would be generated as a result of the development and

b) would fail to secure provision of mitigation measures to ensure that there is no likely significant impact on Greater Horseshoe Bat foraging and commuting habitats, that are protected by the South Hams Special Area of Conservation to make the development acceptable in planning terms.

The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies T26, NC1, NC5 and CF6 of the Torbay Local Plan 1995-2011 and paragraph 203 of the NPPF.

03. The proposed development would fail to deliver adequate mitigation to off-set the severance of existing landscape features notably hedgerows that are essential for navigation, foraging and nesting for the Greater Horseshoe Bats and Cirl Bunting. Furthermore, the application would fail to deliver mitigation for the loss of habitat of value to foraging Greater Horseshoe Bats, in the form of existing cattle grazed land. In the absence of certainty over the delivery of the mitigation land and in the absence of satisfactory information that might demonstrate how mitigation measures for the loss of hedgerows could be provided, the proposal would have a significant likely impact on both the Greater Horseshoe Bat and Cirl Bunting population, contrary to Policies NC1 and NC5 and contrary to paragraphs 9, 109, 118 of the NPPF and the requirements of the Habitats Regulations.

Relevant Policies

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