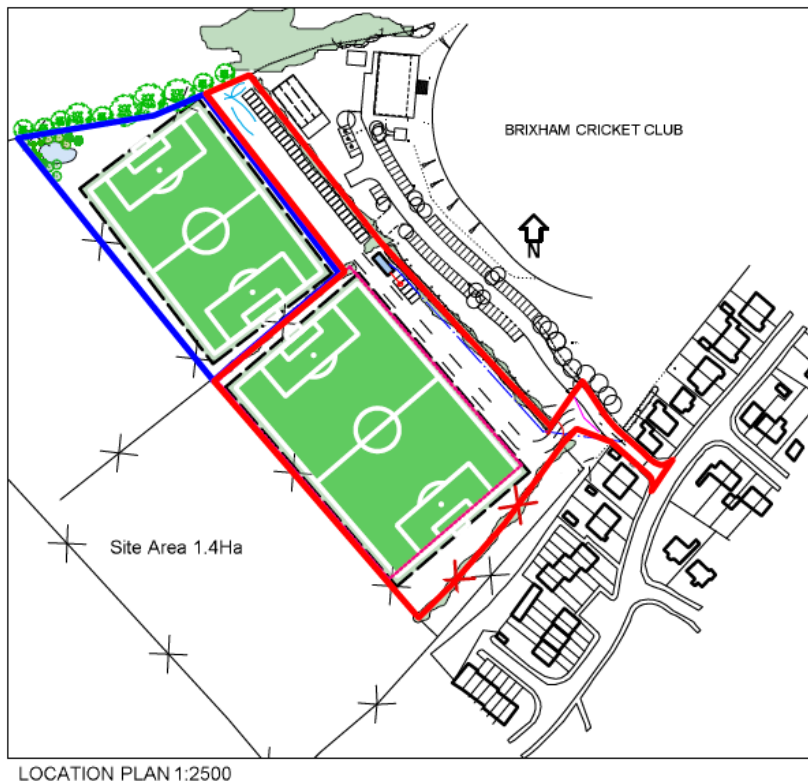


TORBAY COUNCIL

Application Site Address	Site Adjacent To Brixham Cricket Club 83 North Boundary Road Brixham TQ5 8LH
Proposal	Change of use from agricultural land to outdoor football pitch, formation of parking area, changing rooms, boundary fence and associated works. (Part-retrospective).
Application Number	P/2022/0339
Applicant	Mr Shaun Langdon
Agent	Mr Jonathan Ling-Cotter - MTA Chartered Architects Ltd.
Date Application Valid	29/03/2022
Decision Due Date	28/06/2022
Extension of Time Date	24/06/2022
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 Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to it being major in nature.
Planning Case Officer	Verity Clark

Location Plan:



Site Details

The site is a field adjacent to Brixham Cricket Club, measuring approximately 0.92 hectare in size. The site was formerly used for agricultural/equine 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 would accord with the Football Association's standard full size pitch measuring 105m x 68m with an additional 3m run off area.

The pedestrian and vehicular access to the site is via the existing field gate near the south eastern boundary which is accessed via a shared section of road with Brixham Cricket Club, which provides access onto North Boundary Road.

The supporting information states that it is the aim that the proposed pitch will be used for adult football for 2 hours per weeks, walking football for 1 hour per week and youth football for 2 hours per week.

The proposal includes the provision of a new internal access road which skirts around the edge of the lower paddock to the east. A new access is formed through the existing hedge and a linear parking strip predominantly adjacent to the top field (the subject of a concurrent application for a football pitch via P/2020/0480) for a total of approximately 37 cars will be provided. It is understood that this will be surfaced with aggregate. The access/ parking area adjacent to the proposed lower pitch, which is the subject of this application, has already been formed.

The proposed layout plan also includes a pre-fabricated changing room unit which will provide a changing and shower area for users. This will be finished in timber cladding and measures 9.75m x 3.7m with a total height from ground level of approximately 3.1m. The changing room unit will sit to the north east of the proposed football pitch and adjacent to the access gap in the hedge.

The proposal also seeks the addition of metal mesh security fencing and entry gate along the south east boundary adjacent to an existing hedge, with a height of 2.5m finished in a moss green colour.

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. S 85 Countryside and Rights of Way Act 2000 places a duty on local planning authorities to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. 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
- Development in the AONB

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

P/2020/0480 Change of use from agricultural land to outdoor football pitch for sports and recreational use, formation of parking area and associated works. (Part-retrospective). Concurrent application although previously resolved for approval at the December 2020 planning committee. Whilst the two applications are subject to separate reports, consideration has been given to the impacts of each development in isolation and in combination.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. 10 letters of objection, 1 letter of representation and 74 letters of support have been received.

Concerns raised in objection include:

- Retrospective works
- Noise and disruption
- Other uses and events on the site
- Impact on AONB
- Litter
- Loss of privacy
- Highways impacts
- Impact on character of area
- Alternative locations
- Potential future development
- Trees
- Wildlife
- Health and safety
- House values (not a material consideration)

Comments raised in support include:

- Sport facilities
- Community use
- Opportunities for youth and adults
- Safe facilities
- Health and wellbeing
- Sympathetic to local environment
- Changing rooms and secure grounds are benefits
- Enables all year round use
- Disused and unsightly horse fields
- Proximity to cricket field
- Lack of noise and disturbance
- Limited other grounds
- Employment and education opportunities
- Associated business to local pubs/clubs
- Access and traffic

- Does not cause privacy or overlooking issues
- Tourism

Summary of Consultation Responses

Brixham Peninsula Neighbourhood Forum (Comment received 12/04/2022):

No objection.

Brixham Peninsula Neighbourhood Forum (Follow up comment received 16/04/2022):

Broadsands, Churston and Galmpton Neighbourhood Forum largely support this application. We are in agreement with the conditions to be added suggested by Brixham Town Council. As this application sits within the AONB we would also want to see additional conditions relating to mitigation for the loss of hedgerows and habitat as well as biodiversity net gain.

Brixham Town Council:

Brixham Town Council do not object to the change of use but request that should land not be used for sports for a period of two years that the land reverts back to agriculture. Brixham Town council also requests the inclusion of a covenant against any buildings on the land if it is not used as a sports field.

The land is within the AONB, is recognised as a Cirl Bunting breeding area and is on the flight path of the greater Horseshoe Bat.

Police Designing Out Crime Officer:

It is recommended that access to the site is secured when not in use to ensure this prevents unauthorised access onto the grounds and prevents events such as unauthorised encampments etc.

It would also be recommended to ensure the doors to the changing room facilities are to a security standard of PAS24: 2016 or equivalent. This will aid in preventing unauthorised access into the changing rooms.

Torbay Council's Environmental Health Officer (Comment received 02/09/2022):

Having looked at the above application and given the close proximity of nearby residential properties I would recommend the applicant commissions an acoustic report from a qualified acoustic consultant. In short the report should:

- Assess the potential impact of noise from the proposed sports pitch at the nearest residential dwellings; and;
- Where required, identify appropriate measures to mitigate the noise impact from the sports pitch as far as practicable.

I note the use of noise absorbent netting is mentioned but without specific details it is hard for us to comment further at this stage. In short I think an acoustic report to properly assess the issue is the way forward.

Torbay Council's Environmental Health Officer (Follow up comment received 03/05/2023):

Further to your recent consultation regarding the above application I can confirm that I have reviewed the acoustic report submitted by Parker Acoustics Ltd on behalf of the applicant, and I would agree with the conclusions. As such I have no objections to this application being approved.

Torbay Council's Environmental Health Officer (Follow up comments received 03/05/2023 and 09/05/2023):

Response received following queries about the need for sound absorbing netting:

The acoustic report confirms there should be no adverse impact and as such mitigation will not be necessary.

Response received following queries about the need for a restriction on the hours of use:

I don't believe they have floodlighting so evenings shouldn't be a problem. If an application is forthcoming in the future for flood lighting then this issue could be addressed then.

Torbay Council's Sport Development Officer (Comment received 22/04/2022):

I am writing reference the planning application for a second sports pitch at North Boundary Road, Brixham. The site is next to Brixham Cricket Club which is designated as a Public Open Space under the BPNP Policy E4.6. Although the land is not an allocated site in the Local Plan there is general positive support through LP Policy SC1 and SC2.

Torbay's emerging Playing Pitch 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, therefore the area should be protected for sports facilities in some form.

We have 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. The LFFP clearly highlights adult male and female football as a development priority for Torbay.

Therefore, the applicant's project supports this and should be supported to support football development identified in the LFFP.

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. Further communication with the applicant has shown that these pitches are public open spaces so are not desirable to the applicant due to public access, dog fouling, parking and limited club development opportunity.

If approved the applicant should follow SE recommendations of an adult pitch with sufficient run off. The recommended pitch for over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area), therefore there is ample space to provide a safety run off 3m.

No development should 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.
- c) a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review.

The club are already working with Devon FA to carry out pitch assessments using Pitch Power and deliver recommendations from the Institute of Grounds Maintenance to manage and maintain their grass pitches. This will fulfil SEs requirements above and give the club the opportunity to apply for funding from the FA and Football Foundation to implement the improvement programme. Brixham Town FA have also been identified by Devon FA as one of the small amount of clubs in the area to become part of their Investment Ready cohort. This means as a club they will receive professional help to ensure the club is ready for investment and shows that Devon FA are in support of the clubs development plans. KE Pring are partnered with Devon FA and working with the club.

Torbay Council's Sport Development Officer (Follow-up response 15/02/2023):

I feel that Shaun's letter is a fair justification of need. The club is recognised by the FA to be a growing club and the business plan shows no reason for this not to happen unless the planning application is not accepted. Growing community clubs such as this thrive on community spirit and single pitches in different locations do not support this.

Having 2 pitches on 1 site allows a home ground where teams of all ages, sexes and abilities, supporters, family and friends can come together.

According to the Grounds Management Association:

'Based upon the combination of factors and the data collected through the GMA's Pitch Advisory Service we now know that a properly managed and maintained soil based pitch can sustain 4 hours per week of adult use on average providing it is not used in saturated conditions, similarly a pipe drained pitch should cope with 6 hours per week and one with pipe drainage and sand grooves could sustain more than this. The wide variation in pitch capacity reflects the impact of different levels of maintenance and specific site conditions.'

However youth football and walking football put less pressure on pitches. Therefore I have approached the FA for further comment if the 8 hours of play is realistic to expect.

Torbay's Playing Pitch Strategy recognises John Charles Park as a facility being used for Football in Brixham by Brixham Town FC. and the need for access to changing rooms. It also recognises the need or clarification of the precise pitch layout and size.

Sport has recently lost allocated sports land in the Brixham area at Brokenbury which had been suggested for pitches in the past. With this land now lost to a solar farm it is important to ensure that multi pitch space such as JCP is secured in for the area.

Torbay Council's Sport Development Officer (Follow-up response 17/04/2023):

According to the Grounds Management Association 'we now know that a properly managed and maintained soil based pitch can sustain 4 hours per week of adult use on average providing it is not used in saturated conditions, similarly a pipe drained pitch should cope with 6 hours per week and one with pipe drainage and sand grooves could sustain more than this. The wide variation in pitch capacity reflects the impact of different levels of maintenance and specific site conditions.

The FA have confirmed 'the amount of usage on a grass pitch would be affected by the level of maintenance that is carried out on a weekly basis and across a season. They would think the proposed usage would be too much for these pitches to handle of a weekly basis across a season / calendar year.'

Pitch 1		Pitch 2	
Girls & Ladies Football	1 hour per week	Adult Football	2 hours per week
Youth Football	3 hours per week	Walking Football	1 hour per week
BDA Clubs	4 hours per week	Youth Football	2 hours per week
Total	8 Hours	Total	5 Hours Per week

Youth football and walking football put less pressure on pitches and Sean will be able to monitor usage and plan maintenance, and rota and timetable use accordingly. He may have to reduce use of the pitches depending on maintenance and drainage.

Sport England (initial comment received 14/04/2022):

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. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rightsof-way-and-local-green-space#open-space-sports-and-recreation-facilities>

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 Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; 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: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The Proposal

The proposal is for the change of use from agricultural land to outdoor football pitch. I note the submitted drawings also shows car parking and changing accommodation, I assuming these will subject to a new application.

Assessment

I have consulted with the country Football Association and the Football Foundation.

In principle they are supportive as is Sport England of the proposal. However there a fundamental issue on the size of the pitch. The pitch is required to be 100 x64 with a 3m run-off area all round giving a total size of 106 x 70m. Looking at the drawings I am confident this can be achieved. We would therefore ask for a condition to ensure this happens.

The FA/FF also raise the issues about ensuring the pitch is fit for purpose and thereafter maintained.

Finally they have made the following comments which again I support:

Should the project move forward with the planned container options, the applicant would need to speak to the Devon County FA (DCFA) and Football Foundation (FF)

to ensure that the provision is technically compliant. The example shown in the planning application would not be compliant.

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'.

A copy of this guidance can be found at: <https://www.sportengland.org/how-we-can-help/facilities-andplanning/design-and-cost-guidance/outdoor-surfaces>

Conclusion

This being the case, Sport England offers its support for this application.

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 revised drawing showing the football pitch to have the overall size of 106 x 70m is submitted; and
- b) A detailed assessment of ground conditions of the land proposed for the new playing pitch as indicated 3853.AL.002 Rev A, shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- c) 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. Prior to the bringing into use of the playing pitch 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 playing pitch.

Reason: To ensure that new playing pitch is capable of being managed and maintained to deliver a playing pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) 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 conditions, 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.

Sport England (Follow up comment received 27/04/2023):

I have consulted with the FA/FF. They are content with the size of the football pitch.

For Clarity:

Sport England offers its **support** for this this application, as it is considered to meet Objective 3.

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 playing pitch as indicated 3853.AL.002 Rev A, 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. Prior to the bringing into use of the playing pitch 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 playing pitch.

*Reason: To ensure that new playing pitch is capable of being managed and maintained to deliver a playing pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) 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 conditions, 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 2

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:

Summary

The South Devon AONB Unit objects to the proposed development on the grounds that it would erode and degrade the unspoilt rural character of the AONB by virtue of its visual and aural impact which fails to conserve or enhance the AONB. This is contrary to Policy SS8 of the Torbay Local Plan, Policy E1.3 of the Brixham Peninsula Neighbourhood Plan, NPPF 176 and policies Lan/P1 and Lan/P4 of the AONB Management Plan.

Detailed Analysis

National Planning Policy Framework

The following paragraphs are relevant to this proposal.

176. "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The

conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

Local Planning Policy

The statutory Development Plan comprises the Torbay Local Plan 2012-2030 and the Brixham Peninsula Neighbourhood Plan.

Brixham Peninsula Neighbourhood Plan

Policy E1.3 says:

“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”.

Torbay Local Plan 2012-2030

Policy SS8 Natural environment says:

“All development should have regard to its environmental setting and should positively contribute to the conservation and enhancement of the natural assets and setting of the Bay.

The Council will safeguard, conserve and enhance the valued qualities, features and attributes of sites protected under European legislation and other important natural landscape, including tranquillity, dark night skies, bathing waters, biodiversity and geodiversity within the Bay, commensurate with their importance. This will ensure that:

1. ...
2. Within the Area of Outstanding Natural Beauty (AONB), the conservation of the landscape and scenic beauty, biodiversity and geodiversity will be given great weight and afforded the highest status of protection. Development will only be permitted in exceptional circumstances where it can be demonstrated to be in the public interest. Planning applications should include an assessment of need for the development, economic impacts, alternative means and locations of provision, the impacts of the proposal on the environment, landscape and recreation, and the extent to which impacts could be moderated;

South Devon AONB Management Plan

Areas of Outstanding Natural Beauty have a single statutory purpose - the conservation and enhancement of the natural beauty of an AONB - contained within the Countryside and Rights of Way Act 2000. The South Devon AONB Management plan, required by and prepared under the same act, is a material consideration in determining this application. Amongst other things the plan sets out the policy framework for AONB management together with priorities for action. Where there is a

perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle.

Policies of most relevance to this application are considered to be:

Lan/P1 Character The special qualities, distinctive character and key features of the South Devon AONB landscape and South Devon Heritage Coast will be conserved and enhanced

Lan/P3 Landscape Condition Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.

Lan/P4 Tranquillity The tranquillity, natural nightscapes and dark skies of the AONB will be enhanced and maintained in a consistent, cross boundary evidence based approach.

Decision-makers should also take account of the following policy:

Plan/P2 Decision-taking Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB by seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

South Devon AONB Special Qualities

The special qualities of the South Devon AONB most pertinent to this application are:

- Deeply rural rolling patchwork agricultural landscape.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.

Comments on the Proposed Development

This is a full planning application for a change of use from agricultural land to outdoor football pitch. From Google images it would appear that the application is retrospective.

A previous application was submitted for a (partly retrospective) use of the field to the north of the current application site as playing fields (P/2020/0480). This has a Committee resolution to approve from November 2020 subject to a s106 limiting it to community use. Whilst the applicant says this has been approved, there is no decision letter on the portal so I assume the s106 is yet to be signed. Nonetheless this field has been in use for at least the last 2 years and the applicant is contending that another playing field is needed due to the growth of community participation in football.

The officer's report was very balanced last time, with an acknowledgement that the use of the northern field would cause harm to the AONB. It says "*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*". In the Planning Balance it concludes 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*".

The impact on the AONB would be similar with this application, albeit this field is further away from the John Musgrave Heritage Trail. There is also the cumulative impact of the two developments to consider and the visual impact of football related paraphernalia (markings, posts, nets etc.). The starting point for assessing cumulative impacts should be the point of designation, August 1960, since which time this particular part of the AONB has undergone substantive change, in particular the loss of 31ha of open countryside to residential, commercial and holiday park development within the AONB west of Lichfield Rd and Northfields Lane through to North Boundary Rd. This proposal would leave an even more restricted area of open countryside on the western side of Brixham.

In addition, whilst not mentioned in the description of development, the application also includes a metal container on site for the changing facilities. The reasoning given for such a structure is to avoid damaging the archaeology with ground works, but its materials and design are completely inappropriate in an AONB.

Duty of regard for the AONB purpose

In considering this application, the Local Planning Authority is reminded of its overriding statutory 'duty of regard' for the purpose of conserving and enhancing the natural beauty of the South Devon AONB required by s85 to The Countryside and Rights of Way Act 2000.

Torbay Council's Drainage Engineer:

As this development is located in Flood Zone 1 and the developer is proposing to discharge his surface water drainage to soakaways, please use the recently agreed standing advice for this planning application.

WSP on behalf of the Local Highway Authority:

1.0 Description of Proposal

1.1 The proposals comprise of a change of use of an existing green field at 83 North Boundary Road, Brixham. The change of use would see the existing field redeveloped to form a new football pitch, access road, 37 space parking area and other ancillary facilities.

2.0 Site History

2.1 A planning application (P/2020/0480) for the adjacent field to the north of the application site was granted consent on 14th December 2020.

3.0 Policy

3.1 The site on which the proposals are located directly adjacent to Brixham Peninsula Neighbourhood Plan site allocation E4-6 'Brixham Cricket Club'. This land is allocated within the Neighbourhood Plan as a 'Local Green Space Site'.

4.0 Traffic Impact

Trip Generation

4.1 It is stated within the Framework Travel Plan submitted by the Applicant that 'The number of cars entering and leaving the site will remain the same as it has been in the past as there will not be any additional sessions being added.' As the use of the site is not proposed to be intensified by the proposed development, no further analysis of the impact of traffic to / from the proposed development is required.

5.0 Design Considerations

Vehicular Access

5.1 As can be seen in drawing number 3853.AL.002 'Proposed Site Layout, Location Plan and Changing Room Details', vehicular access to the site is proposed via the existing access point to Brixham Cricket Club, located on North Boundary Road. The proposals also include the provision of a new internal access road. The internal roads of this site are unadopted and are proposed to be subject to a 5mph speed limit.

5.2 As can be seen in drawing number 3853.AL.002, the proposals include the repositioning of the existing access gates to Brixham Cricket Club, as so the gates are to the north of the proposed football pitch access road. A simple priority junction will be provided on the internal road network, with demonstrated visibility splays of 9m. This level of visibility is in line with Manual for Streets guidance for priority junctions in areas with speed limits of 10mph or less.

5.3 It is stated within the Design and Access Statement submitted by the Applicant that "There is sufficient room on site for vehicles of all size and type, including emergency vehicles to enter, manoeuvre and leave in a forward gear." Swept path analysis has not been provided however to demonstrate this.

5.4 The applicant has not provided details of a refuse strategy. The design of the site indicates the internal highways will remain private and unadopted and therefore the site will be required to arrange its own private refuse collections.

Pedestrian Access

5.5 Details of the pedestrian access have not been provided. Existing footways lead into the site from North Boundary Road, although the proposed Site Layout Drawing shows no further footway provision will be provided. The provision of a shared footway would be beneficial and encourage trips via active travel. It is therefore requested the applicant considers the provision of a shared footway and enhancements to the local network. This would support policies in the Torbay Local Plan and enhance support of the application in demonstrating its sustainable measures.

6.0 Parking

Car Parking

6.1 The Proposed Site Layout (Drawing No. 3853.AL.002) indicates approximately 37 car parking spaces will be provided. A turning head has been provided within the car park to allow vehicles to manoeuvre within the car park without the need to reverse excessive distances.

6.2 It is also noted that the current car parking arrangement does not include a space for a mini-bus / coach. It is requested that space is provided, and swept path analysis be provided to demonstrate the ability of such vehicles to turn in the proposed turning head.

Cycle Parking

6.3 No cycle parking provision has been proposed. It is requested that cycle parking stands are provided in order to encourage active travel and support the application through demonstrating its sustainable measures.

7.0 Travel Plan

7.1 A Framework Travel Plan (FTP), dated January 2022, has been produced by Trace Design to support of the application.

7.2 The Travel Plan has set out the existing walking, cycling and public transport infrastructure in sufficient detail. The existing local highway network has also been described in sufficient detail.

7.3 To establish the existing mode share for travel to the site, the 2011 census method of travel to work has been used. This is acceptable and a baseline survey must be undertaken once the site is occupied. The Travel Plan has not set any mode share targets for five years in the future. It is requested that once the baseline survey results are undertaken, an ambitious reduction in car driver trips is set (approx. 10% reduction).

7.4 The Travel Plan states all visitors and employees will be made aware of the Travel Plan and the responsibilities of the Travel Plan Coordinator (TPC). The costs of the TPC will be funded by the applicant. It is requested that the Implementation Strategy is submitted to Torbay Council that will set out responsibilities and timescales for implementation and monitoring the progress of the initiatives proposed by the Travel Plan.

8.0 Conclusion

8.1 Whilst the Local Highway Authority support the principle of the application. Further information is required before a positive recommendation can be given in respect to highways. This additional information includes the following:

- Further details regarding the infrastructure the proposed development will provide to support travel by means of walking and cycling, including the proposed cycle parking arrangements; and
- Swept path analysis is required to demonstrate the appropriateness of the proposed turning head on site.

WSP on behalf of the Local Highway Authority (Follow up comment 23/05/2022):

I can confirm that the submitted swept path analysis is considered acceptable. I note that our response also requested the following – has any information been submitted regarding this?

- Further details regarding the infrastructure the proposed development will provide to support travel by means of walking and cycling, including the proposed cycle parking arrangements;

Devon County Council's County Archaeologist and Historic Environment Manager:

I refer to the above application. 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 205 of the National Planning Policy Framework (2021) 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 205 of the National Planning Policy Framework (2021), 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 archaeological fieldwalking, supervised metal detector survey, geophysical survey followed by evaluation trenching or test pitting to inform any further mitigation. 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. The work may lend itself to an appropriately organised and funded community archaeology project.

Devon County Council's County Archaeologist and Historic Environment Manager (Follow-up Response received via concurrent application P/2020/0480):

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:

The development proposals will require a Tree Protection Plan (TPP) to identify the trees and hedges to be protected throughout the development.

This will also provide an opportunity to provide and works specifications to the retained trees and hedges in respect of pests and diseases (such as Ash Dieback) and access facilitation works.

Any proposed tree and hedge works should also be referred to the project ecologist for review and comment.

Devon County Council's Ecologist:

Acceptable subject to conditions.

RSPB:

No response received.

Environment Agency:

No response received.

Key Issues/Material Considerations

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

Planning Officer Assessment

1. Principle of Development

The proposal is for an outdoor football pitch for sport and recreational use, an associated changing room and access and parking area. 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 impact' 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 impact' 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 and 'Need'

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.

The application should also be considered in the context of the concurrent application P/2020/0480 which proposes the formation of a football pitch to the north west of the pitch proposed by this current application and adjacent to the main parking area. P/2020/0480 was resolved to be approved at the committee meeting held on the 14th December 2020 subject to the signing of a s106 legal agreement to secure the community use of the pitch. The legal agreement has not been completed so in line with the committee's resolution, the application has not been determined.

Since the resolution to approve P/2020/0480, this current planning application; P/2022/0339 has been submitted. Whilst both pitches have been submitted as stand alone planning applications, both football pitches could be constructed resulting in two football pitches across both sites.

It is understood that the facility will be used primarily by Brixham Town Football Club with the intention of providing adult football, walking football and youth football on the proposed pitch and holiday football camps. Changing room facilities are required by the league to allow the use of the pitch for tournaments. It is also proposed to allow access to other community teams and a Community Use Agreement s106 agreement will secure this.

Sport England have confirmed their support for the proposal subject to the addition of planning conditions given the proposal meets their policy objective of to provide new opportunities to meet the needs of current and future generations.

The Sport Development Officer has stated that there are currently two 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. Further communication with the applicant has shown that these pitches are public open spaces so are not desirable to the applicant due to public access, dog fouling, parking and limited club development opportunity. The allocated sports land in the Brixham area at Brokenbury has been suggested for pitches in the past however this land has now been granted planning permission for a solar farm thereby losing this as a potential alternative location.

The draft 'Torbay Playing Pitch Strategy November 2022' has been produced and consulted on. This indicates that the application site, known as John Charles Park (JCP) is identified as a key site for football that requires access to changing provision. Section T26 of the Playing Pitch Strategy Action Plan identifies JCP as a key site where changing provision is required however the Action Plan does show the need for clarification as to the precise layout and sizing of pitches. The draft Playing Pitch Strategy reiterates the need to protect identified space for sport and leisure facilities in order to keep up with demand and North Boundary Road is still identified as important for 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. The Sport Development Officer has noted that they have 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. The LFFP clearly highlights adult male and female football as a development priority for Torbay and the proposal supports this aim.

The applicant Mr. Shaun Langdon has provided a justification and use statement which the Sport Development Officer has considered. The Officer concludes that the letter is a fair justification of need. The club is recognised by the FA to be a growing club and the business plan shows no reason for this not to happen unless the planning application is not accepted. Growing community clubs such as this thrive on community spirit and single pitches in different locations do not support this. Having 2 pitches on 1 site allows a home ground where teams of all ages, sexes and abilities, supporters, family and friends can come together.

The Council's Sports Development Officer is therefore satisfied that there is sufficient justification for this standalone football pitch and changing room facility in addition to the football pitch proposed as part of concurrent application P/2020/0480 and both proposals would assist at facilitating football development in accordance with the emerging Playing Pitch Strategy and Policies SC1 and SC2 of the Torbay Local Plan and Policy S&L1 of the Brixham Peninsula Neighbourhood Plan.

2. Landscape Impact and AONB

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".

Paragraph 177 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 60 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 stand alone development is non-major development in the context of the scale and nature of the proposal in this setting and when also considering the development of the further pitch proposed via P/2020/0480, the two proposed pitches combined are not considered to constitute major development for the purposes of paragraphs 176 and 177 of the NPPF given their overall nature, scale and setting.

Paragraph 174 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 176 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 the formation of a football pitch including demarcations and goal posts, a changing room, linear parking area and internal access road, security fencing and a wildlife corner. The site was formerly used for agriculture/ equine use. 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.

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. There is a well-used footpath linking to the South West Coast Path to the north and north west of the site however the majority of views gained of the proposed

pitch would be obscured by the central boundary hedge. Views of the proposed pitch are likely to be achievable from north west across the existing fields but these would not be close range views and would be viewed against the backdrop of the rear of the dwellings along North Boundary Road. The top of the proposed parking area would be adjacent to the public footpath and therefore would be appreciated at close range. 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 gates have been erected by the Cricket Club to control access to their site.

The South Devon Area of Outstanding Natural Beauty office did not respond to the concurrent planning application P/2020/0480 which was resolved for approval in December 2020. A response has however been received for this application. The consultation response raises an objection to the current application stating:

A previous application was submitted for a (partly retrospective) use of the field to the north of the current application site as playing fields (P/2020/0480). This has a Committee resolution to approve from November 2020 subject to a s106 limiting it to community use. Whilst the applicant says this has been approved, there is no decision letter on the portal so I assume the s106 is yet to be signed. Nonetheless this field has been in use for at least the last 2 years and the applicant is contending that another playing field is needed due to the growth of community participation in football.

The officer's report was very balanced last time, with an acknowledgement that the use of the northern field would cause harm to the AONB. It says "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". In the Planning Balance it concludes 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".

The impact on the AONB would be similar with this application, albeit this field is further away from the John Musgrave Heritage Trail. There is also the cumulative impact of the two developments to consider and the visual impact of football related paraphernalia (markings, posts, nets etc.). The starting point for assessing cumulative impacts should be the point of designation, August 1960, since which time this particular part of the AONB has undergone substantive change, in particular the loss of 31ha of open countryside to residential, commercial and holiday park development within the AONB west of Lichfield Rd and Northfields Lane through to North Boundary Rd. This proposal would leave an even more restricted area of open countryside on the western side of Brixham.

In addition, whilst not mentioned in the description of development, the application also includes a metal container on site for the changing facilities. The reasoning given for such a structure is to avoid damaging the archaeology with ground works, but its materials and design are completely inappropriate in an AONB.

The response summarises that the South Devon AONB Unit objects to the proposed development on the grounds that it would erode and degrade the unspoilt rural character of the AONB by virtue of its visual and aural impact which fails to conserve or enhance the AONB. This is contrary to Policy SS8 of the Torbay Local Plan, Policy E1.3 of the Brixham Peninsula Neighbourhood Plan, NPPF 176 and policies Lan/P1 and Lan/P4 of the AONB Management Plan.

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 proximity of the public footpath to the north and north east, 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 – including shouting and whistle blowing at a longer distance and vehicles entering and manoeuvring within the site at a closer distance. This would impact on the rural character and tranquillity of the area to an extent. There is also the consideration of a cumulative impact from the proposed development with the pitch proposed under concurrent application P/2020/0480 which if both approved would result in a larger area developed for the use of sporting facilities. It is considered that the proposed development would fail to conserve or enhance the quiet enjoyment of the AONB.

The proposal includes the addition of a pre-fabricated changing room unit finished in timber cladding. Originally the changing room unit was to be finished in metal, appearing as a shipping container and was of a greater size. Given the landscape concerns and comments from the South Devon Area of Outstanding Natural Beauty office, a revised plan reducing the size and utilising timber cladding to help assimilate the structure into the area was submitted. These revised plans have resulted in an improvement to the visual appearance of the structure.

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 the changing room unit. 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/equine 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.

3. 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 130 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, including concerns relating to privacy/overlooking, anti-social behaviour, litter, and noise. The proposed pitch will be sited approximately 20.2m from the rear of the nearest residential garden at its closest point and approximately 34.5m to the rear of the nearest residential dwelling at its closest point.

The Council's Senior Environmental Health Officer was consulted on the application and requested that an acoustic report was provided to assess the potential impact of noise from the proposed sports pitch at the nearest residential dwellings and where required, identify appropriate measures to mitigate the noise impact from the sports pitch as far as practicable.

A noise impact assessment was subsequently provided which concluded that noise due to the proposal will result in no adverse impact/effect and therefore no mitigation measures are required.

The Council's Senior Environmental Health Officer reviewed the contents of the report and agreed with the findings noting that there was no objection to the application being approved. The Officer also confirmed that they did not consider sound absorbing netting to be required, nor did they consider it necessary to limit the hours of use of the pitch given that no external lighting is proposed which would naturally restrict the hours of use.

The proposal also includes the addition of 2.5m high metal mesh fencing along the south east boundary of the site adjacent to an existing hedge. Given the separation distance of the fencing to the nearest residential dwelling's garden; approximately 19.15m, in combination with the open mesh design, the proposed fencing and gate is not considered to result in an overbearing impact or otherwise loss to amenity.

The proposed pitch is not considered to result in a loss of privacy or unacceptable level of overlooking to the rear of the dwellings on North Boundary Road given the separation distances and boundary screening.

Given the siting of the parking area, vehicular access and changing room in relation to the nearest residential dwellings, these elements are not considered to result in an unacceptable impact on neighbour amenity.

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 whether on its own or in combination with P/2020/0480. The proposal is considered to accord with Policy DE3 of the Local Plan.

Concerns have been raised by objectors about the use of the field for other temporary activities and uses. Permitted development rights allow certain temporary uses without the need for planning permission. Given the distance of the field to the nearest residential dwelling, uses allowed via permitted development rights for temporary events have the potential to impact on the neighbour amenity. As such a condition is recommended restricting temporary events. This will still allow football related activities and events such as tournaments but will restrict other uses on the site.

4. Impact on Highway Safety

Paragraph 110 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. Paragraph 111 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.

The proposal seeks to utilise an access back from the highway boundary on North Boundary Road, along the Brixham Cricket Club drive. Internally within the site access will be obtained from the south east corner of the site from an existing gate with parking facilities for 37 cars formed within a linear parking strip to the north east of the site and the inclusion of a turning area within the north east corner. The parking facilities would serve the proposed football pitch, and the north western pitch proposed under concurrent application P/2020/0480.

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 which have been provided. The application is also supported by a travel plan.

WSP have stated that within the travel plan submitted by the applicant, it is noted that 'The number of cars entering and leaving the site will remain the same as it has been in the past as there will not be any additional sessions being added.' As the use of the site is not proposed to be intensified by the proposed development, no further analysis of the impact of traffic to / from the proposed development is required. Approximately 37 car parking spaces will be provided and a turning head has been provided within the car park to allow vehicles to manoeuvre within the car park without the need to reverse excessive distances which has been demonstrated by an acceptable swept path analysis.

WSP have noted that no cycle parking provision has been proposed and it is therefore requested that cycle parking stands are provided in order to encourage active travel and support the application through demonstrating its sustainable measures. This is recommended via planning condition. The Travel Plan submitted with the application has set out the existing walking, cycling and public transport infrastructure in sufficient detail and the existing local highway network has also been described in sufficient detail. The Travel Plan has not set any mode share targets for five years in the future and it is therefore requested that once the baselines survey results are undertaken,

an ambitious reduction in car driver trips is set. A travel plan detailing this modal shift alongside an implementation strategy is therefore recommended to be secured by condition.

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, and a planning condition requiring the submission of a waste management plan is therefore recommended.

Should planning permission be granted, planning conditions should therefore 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.

5. 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.

This ecology report considers both the application site field (listed as field 1) and the higher field (listed as field 2) which is the subject of concurrent application P/2020/0480.

The report confirms it would be necessary to remove a short length of bank and hedge at the eastern end of the hedge that divides the two football fields, to allow vehicular access. The grassland in the location of the proposed pitch is cut regularly and it is largely restricted to fineleaved grasses, with annual meadow grass and some cocksfoot grass in disturbed areas. The range of broadleaved herbs is limited to native white clover, creeping buttercups, common daisies, common catsear, with some ribwort plantain and lesser stitchwort. The margins that surround the field are not cut frequently and the vegetation tends to be dominated by rank grass species, like cocksfoot, false oat-grass and Yorkshire fog, with some wood false-brome along the northern border. Those margins that are not cut regularly, support a range of broadleaved herbs. These include hogweed, cow parsley, foetid iris, ragwort, hawkweed, cut-leaved geranium, greater stitchwort, meadow and creeping buttercups, spear thistle, broadleaved dock, lesser trefoil and red clover. Bracken is largely confined to parts of the northern margin. A small area of waste soil was dumped in the extreme north-western end of the field during preparation of the pitches. That area has been colonised by rank grasses, with abundant cocksfoot, false oat-grass and the broadleaved bristly oxtongue. This area would lend itself to the provision of habitat mitigation. The hedge that divides the two fields is in poor condition, having been unmanaged for many years. The eastern end is dominated by overgrown blackthorn, while the remainder of the hedge is made up of ash and field maple, with some hazel, wild privet and dogrose. The whole hedge is 'infested' by ivy, which is growing up into the crowns of some of the trees and large bushes.

The report states that the creation of football pitches within the two fields, both of which are managed as closely-mown amenity grassland, would have no impact of any significance on the population of greater horseshoe bats that are centered in the Berry Head roost. The hedge that divides the two fields lacks connectivity to any hedges to the west, so bats would be unlikely to follow it.

The report concludes that the proposal is considered to have an acceptable impact on all protected species. The report sets out mitigation and habitat enhancement to ensure a biodiversity net gain.

The Devon County Council Ecologist has provided a consultation response on this ecology report. It was confirmed that the proposed development will not lead to the loss, damage, or disturbance to Greater Horseshoe Bat foraging habitat within a sustenance zone. Nor will it lead to the loss, damage or disturbance to a pinch point or an existing mitigation feature. This is due to the small scale of the development, largely change of use with minimal habitat alterations and habitats unfavourable for greater horseshoe bats. No lighting is proposed with the development. A short section of hedgerow is to be removed. More favourable commuting habitat lies to the north of the development site, as hedgerows on site lead into the highly urbanised area to the south/east. Commuting habitats will not be negatively impacted. In line with the South

Hams SAC Habitats Regulations Assessment Guidance document (DCC et al.,2019), and given the above, there is unlikely to be a likely significant effect on the South Hams SAC. A detailed HRA is not deemed to be required. Bats may use the hedgerows on site as linear features for commuting. Habitats on site are unfavourable for foraging. Commuting/foraging bats are unlikely to be negatively impacted by this development.

The planting of native species hedges inside the existing post and barbed-wire boundary fence with double row of shrubs is deemed suitable and sufficient to enhance the hedgerow habitats on site. The strip of land along the northern boundary of the field is to be planted with a range of native shrubs, flower-rich grassland, and occasional trees. Native wildflower planting along margins of two fields is also proposed and these measures will enhance the site for biodiversity.

Hedge boundaries provide possible dormouse habitat although of a sub-optimal condition and a short length at eastern end of dividing hedge is to be removed. Dormice may be negatively impacted by this development due to the removal of a section of hedgerow however additional hedgerow planting will be beneficial to dormice. These measures will enhance the site for dormice and increase habitat connectivity.

Nesting birds may be negatively impacted by this development due to the removal of a short section of hedgerow. 6 hole and 4 open-fronted nest boxes are to be mounted on trees or posts in the northern hedge of the field and the planting of additional hedgerow will be beneficial for nesting birds. These measures will enhance the site with nesting opportunities for birds.

Overall, the Devon County Council Ecologist confirms that the proposal is acceptable from an ecological standpoint subject to the addition of conditions requiring adherence to the ecology report.

It is recommended that a condition requiring no external lighting is employed to ensure an acceptable impact on protected species, and to limit the natural use of the site from a neighbour amenity perspective.

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.

The Council's Green Infrastructure Manager has been consulted on the application and is satisfied that with the submission of a Tree Protection Plan which shall identify the trees and hedges to be protected throughout the development, the proposal is considered acceptable and to accord with Policy C4 of the Local Plan. Should planning permission be granted, given an existing section of the internal access road has already been constructed, prior to any further works to form the internal access road and/or parking area taking place, a Tree Protection Plan and an Arboricultural Method Statement shall be submitted for the proposed works.

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.

6. 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 confirmed there is no objection. The Drainage Engineer noted on concurrent application P/2020/0480 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.

7. 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.

8. 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 via concurrent application P/2020/0480 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 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 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 and there is a cumulative impact with the concurrent application P/2020/0480.

The environmental impacts of the proposal weigh against the proposed development.

Sustainability Conclusion

Paragraph 176 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 with associated changing room, which will provide a full sized adult pitch aimed at adult football, walking football and 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 adult football, 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 adult 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 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 Divisional Director of Planning, Housing and Climate Emergency.

Conditions

1. 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.

2. Ground Conditions

Prior to the first use of the football pitch hereby approved:

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 prior to the first use of the football pitch.

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.

3. 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 which shall be submitted to and approved in writing by the Local Planning Authority. The timetable shall be submitted to the Local Planning Authority prior to the first use of the football pitch hereby approved.

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.

4. Management and Maintenance Scheme

Prior to the first use of the football pitch hereby approved, 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 by the Local Planning Authority in 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.

5. 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 205 of the NPPF, that an appropriate record is made of archaeological evidence that may be affected by the development.

6. 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.

7. Tree Protection Plan/ Arboricultural Method Statement

Prior to any further installation of the aggregate for the proposed access and parking provision, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan and 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.

8. Designing Out Crime Measures

Prior to the first use of the football pitch and/or changing room hereby approved, 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.

9. External Lighting

No external lighting shall be installed within the boundary of the application site.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity and residential amenity in accordance with Policies NC1 and DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy E8 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

10. Ecology and Biodiversity Net Gain

The recommendations and mitigation given in section 3 of the 'Phase 1 Habitat Survey & Preliminary Ecological Appraisal' shall be followed and undertaken including the recommended planting of a range of native shrubs and the installation of six hole and four open-fronted nest boxes to be mounted on trees or posts, in the hedge that defines the northern edge of Field 2 (as defined by the report). The hole and nest boxes shall be installed prior to the first use of the football pitch hereby approved and shall be retained thereafter.

Prior to the first use of the football pitch hereby approved, a planting schedule in line with the recommendations of the 'Phase 1 Habitat Survey & Preliminary Ecological Appraisal' shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall

be carried out in the first planting season following first use of the football pitch, and any trees or plants which within a period of 5 years from completion of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

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.

11. Vegetation Clearance

No vegetation removal including hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

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.

12. Parking Provision

Prior to the first use of the football pitch hereby approved, 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.

13. Travel Plan

Prior to the first use of the football pitch hereby approved, 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.

14. Bicycle Storage

Prior to the first use of the football pitch hereby approved, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and approved 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.

15. Waste Management Plan

Prior to the first use of the football pitch hereby approved, a Waste Management Plan shall be adhered to, according to details which shall previously have been submitted to and approved 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.

16. 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) (England) Order 2015 (as amended) (and any Order revoking and re-enacting this Order) 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 other than those expressly authorised by this permission.

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.

17. No structures to be stored on the land.

Other than those expressly authorised by this permission, no stores, containers, plant or equipment shall be stored or kept at the site except for portable WCs, 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.

18. No temporary buildings or uses

Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (and any Order revoking and re-enacting this Order) no temporary buildings and uses, other than those authorised by this consent, shall take place on the land without the prior approval of the Local Planning Authority.

Reason: In the interest of neighbour amenity and to minimise impact on the landscape qualities of the AONB in accordance with policies DE1, 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