

**Application Number**

P/2013/0785

**Site Address**

Wall Park Holiday Centre  
Wall Park Road  
Brixham  
Devon  
TQ5 9UG

**Case Officer**

Matt Diamond

**Ward**

Berry Head With Furzeham

**Description**

Erection of 165 dwellings (including 24 affordable); touring caravan park (including facilities building with office, cafe, laundry room, showers, toilets and 2-bed managers flat, 12 no. camping pods, 59 permanent touring caravan pitches, associated access and parking); community sports pitch (to be used annually as an overflow touring caravan park / campsite for 69 pitches during June, July and August); changing & shower facilities building for community sports pitch with associated access and parking; landscape and ecological enhancement works (including bat barn, hedgerow planting and footpaths); associated pumping stations, roads, footways / cycleways, new vehicular access onto Centry Road and alterations / widening of existing access onto Wall Park Road; demolition of existing buildings (including former holiday park buildings and dwelling - 53 Wall Park Road) (Full Application) (Revised Scheme)  
(This application is a departure from the Adopted Torbay Local Plan 1995-2011)

**Executive Summary/Key Outcomes**

This full planning application proposes the redevelopment of the former Wall Park Holiday Centre in Brixham and surrounding land. The holiday centre is disused and the buildings are derelict. It is, in part, a brownfield site. However, the site is in a highly sensitive location within the South Hams Area of Outstanding Natural Beauty (AONB) and within close proximity to the greater horseshoe bat roost site at Berry Head, which is a Special Area of Conservation (SAC) protected by national and European legislation.

The proposals are to develop 165 dwellings on the brownfield part of the site and two fields either side of the access from Wall Park Road, which would itself be retained and widened. To the southeast, a new touring caravan park would be provided, including a new facilities buildings, and a new community sports pitch with changing facilities accessed off Centry Road. The undeveloped land to the northeast and southeast would be used as grazing land for Red Devon cattle, with new hedgerows and a field for growing cereal crops to provide a winter seed source for cirl buntings. The cattle grazed pasture would provide a foraging area for greater horseshoe bats and strengthen the bat corridor between the roost and

surrounding countryside. A bat barn would also be built and a 25 year management plan is proposed.

The amount of housing has reduced by just under 25% from the previously refused application in January 2011, subsequently dismissed at appeal, by 54 dwellings from 219, and the proposal no longer includes a 60 bed care/nursing home. However, whereas the previous application proposed to move the existing caravan park business on the site without upgrading facilities, the current application proposes a new high quality caravan park with 59 pitches and 12 camping pods; the new facilities building would also include a cafe. The community sports pitch is proposed to meet the needs of local sports clubs and would be used as an overflow site for the caravan park during June, July and August. The land would be re-graded and drainage installed. No floodlighting would be allowed, due to the ecological constraints.

Two extensive consultations have taken place on the application, which have shaped and informed the current proposals. In particular, it became clear that the removal of one of the proposed sports pitches was required in order to provide a greater amount of grazing land to mitigate the impact of the development on greater horseshoe bats. In addition, the Torbay Design Review Panel has helped improve the design of the residential area in particular, and the development as a whole.

The revised scheme is considered to provide a satisfactory balance of planning benefits and is therefore considered to be a sustainable development. It would retain a high quality tourism use on the site and deliver a new community facility, as well as 25 affordable homes. It would deliver significant ecological enhancements and a high quality designed housing development. The landscape character of the undeveloped area of the site would be improved to the benefit of the AONB, whilst new hedgerow and tree planting would screen the residential development in local to medium distance views. Therefore, there are considered to be exceptional circumstances to allow the development within the AONB.

### **Recommendation**

Conditional approval; subject to the applicant submitting further details in relation to the proposed surface water drainage strategy, which are acceptable to the Director of Place, or an alternative surface water drainage strategy which is acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; and subject to the signing of a s106 legal agreement in terms acceptable to the Director of Place within 3 months of the date of this committee or the application be reconsidered in full by the committee; final drafting and determination of appropriate planning conditions delegated to the Director of Place.

The recommendation above is made on the basis of the Appropriate Assessment that has been undertaken in accordance with the Habitats and Species

Regulations 2010 ('the Habitats Regulations') being signed and agreed with Natural England. If this has not taken place before the committee meeting the above recommendation will necessarily need to ensure that planning permission can only be granted if Natural England agrees the Appropriate Assessment. If Natural England objects to the Appropriate Assessment, the matter will be referred back to committee (probably in October). Natural England has a statutory duty to comment on the Appropriate Assessment by 03.10.2014.

### **Statutory Determination Period**

The application was validated on 22.10.2013. An extension of time to determine the application was agreed to 23.08.14. As the revised proposals were not submitted to the LPA until 10.07.2014, it was not possible to determine the application by the agreed date. A further extension of time has not been agreed because the applicant is protecting their right to appeal the application for non-determination within the agreed time period. Officers will continue to seek to agree a further extension of time with the applicant in order to ensure the LPA's current performance levels remain good.

### **Site Details**

The site comprises 53 Wall Park Road (a detached dwelling), the former Wall Park holiday centre and surrounding fields. The total site area is 17.34ha. The brownfield area of the site that includes the buildings and hard surface areas of the former holiday centre and 53 Wall Park Road is 5.58ha. The holiday centre has been closed since December 2008 and the buildings on the site are in a dilapidated condition. There have been numerous reports of break-ins and vandalism over recent months, and a large fire broke out on the site in June.

The fields are bordered by hedgerows and there are numerous trees scattered throughout the site. One of the fields in the southwest corner of the site is used as a permanent touring caravan park, whilst an adjoining field provides overflow space for the park, which can be used for a maximum of 9 weeks per year. The permanent site is 0.53ha and provides space for 30 caravans. The overflow field is 2.05ha and can accommodate 110 caravans (there is also a stone building on the southwest boundary). Other fields to the southeast were formerly used as a pitch and putt/miniature golf course in connection with the holiday centre.

The site is bounded by: fields, allotments, a football club playing pitch and detached dwellings fronting Wall Park Road and backing onto the site to the northwest; a County and Local Wildlife Site ('Berry Head Farm - Landscope') to the northeast; Gillard Road to the southeast; and Centry Road to the southwest. The only vehicular access to the former holiday centre is from Wall Park Road between Nos. 53 and 57 Wall Park Road. The touring caravan park is accessed via a gravel entrance on Gillard Road. A separate track off Gillard Road provides access to the overflow field. There are no other access points except for field gates and a track from Wall Park Road past the football club.

The wider area is characterised by: residential development to the northwest; Berry Head Country Park and fort to the northeast; Landscope Holiday Park and fields within the Coastal Preservation Area to the southeast; and residential development and sports pitches to the southwest, including the rugby club. Berry Head Country Park is part of the South Hams Special Area of Conservation (SAC), which is protected under the European Union's Habitats Directive. It is also a Site of Special Scientific Interest (SSSI) and within the Coastal Preservation Area. The fortifications at Berry Head are scheduled monuments.

The site and wider area to the northeast and southeast are within the South Devon Area of Outstanding Natural Beauty (AONB). In addition, the undeveloped parts of the site to the northeast and southeast are designated as Countryside Zone in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). The former holiday centre and fields within the site which are directly behind the football club pitch and dwellings fronting Wall Park Road are not designated as Countryside Zone, and are therefore within the built up limits of Brixham. The area of the site designated as Countryside Zone is approximately 9.94ha, whereas the remainder is approximately 7.4ha.

The touring caravan park, overflow field and two adjacent fields to the southwest are designated in the Local Plan for the provision of new playing fields and related facilities. The explanation text states that the proposal at Centry Road comprises a new playing field and related changing facilities for Brixham College, and where practicable the pitch and facilities may also be available to serve the local community on a dual use basis.

The Torbay Local Plan - A landscape for success (Proposed Submission Plan, February 2014) ('the new Local Plan') was submitted to the Government for examination at the end of July 2014. It has limited weight as a material consideration at present, but shows the emerging planning policies of the Council. It shows the site as still being within the AONB, but it and adjoining land is allocated as one of four Future Growth Areas in Torbay. No areas of the site are designated as Countryside Zone in the new Local Plan. The Future Growth Areas will deliver: a mix of housing; employment opportunities; essential infrastructure, including green infrastructure; a suitable range of recreational, leisure and tourism facilities; high quality, sustainable design; a strong sense of community, including local facilities; and appropriate phasing to balance provision of jobs, housing and infrastructure. The site is also located within a newly designated Mineral Safeguarding Area. These are aimed at safeguarding mineral resources for future generations, but do not preclude development. The new Local Plan makes it clear that development in this sensitive location should adhere to guidance for greater horseshoe bats and any proposals that may lead to likely significant effects on protected sites will only be permitted where no adverse effect on the integrity of the site can be shown. In addition, the new Local Plan is clear that development should be on the brownfield area only, unless there are significant benefits from development of a larger area.

The site boundary has been revised slightly since the application was originally submitted and it no longer includes a barn in the east corner of the overflow field, which is used by Tall Ships groups for storage purposes.

### **Detailed Proposals**

The proposals have been revised since the original submission. The original proposals were submitted as a hybrid application (part full, part outline), whereas the revised proposals have been submitted as a full planning application. The revised proposals are to demolish all of the existing buildings on the site and develop the following:

- 165 dwellings (18 no. 2-bed, 84 no. 3-bed and 63 no. 4-bed) on the site of the former holiday centre
- New touring caravan park (59 pitches and 12 camping pods), with facilities building incorporating 2-bed managers flat on fields to the north of the existing caravan park overflow field
- Community sports pitch used as an overflow site for the touring caravan park during June, July and August (69 pitches) on part of the existing overflow field, with a changing facilities building located next to the caravan park facilities building
- Existing vehicular access to the site from Wall Park Road widened, following demolition of 53 Wall Park Road
- New vehicular access to touring caravan park and community sports pitch on Centry Road
- Associated parking and infrastructure for the dwellings, touring caravan park and community sports pitch
- Associated landscaping and public open space
- New footpaths through the site

In addition to the above, the following ecological enhancement measures are proposed:

- 4.35ha cattle grazed pasture to provide foraging for greater horseshoe bats on fields around the edge of the site (northeast and southeast)
- 0.52ha cereal crop field to provide a winter seed source for cirl buntings on part of the existing overflow field

- Bat barn for roosting bats within field used for cattle grazing to the east of the site
- New hedgerows and trees following a management strategy aimed at enhancing the area for wildlife

Of the 165 dwellings, the applicant has agreed that 25 would be affordable. The tenure split would be 8 social rent, 8 affordable rent and 9 shared ownership. The 8 social rent would comprise 6 no. 3-beds and 2 no. 4-beds. The 8 affordable rent would comprise 5 no. 3-beds and 3 no. 4-beds. The 9 shared ownership would comprise 5 no. 2-beds and 4 no. 3-beds. Therefore, the size mix would be 5 no. 2-beds (20%), 15 no. 3-beds (60%) and 5 no. 4-beds (20%). This compares with the size mix overall of 11% 2-beds, 51% 3-beds and 38% 4-beds.

The height of the dwellings varies across the proposed development. The majority of the dwellings would be 2 storeys, whilst the dwellings bordering the undeveloped areas to the southeast would be 1.5 storeys. Four dwellings bordering the proposed grazing land to the northeast would be single storey bungalows. 12 of the dwellings in the centre of the site would be 2.5 storeys, with accommodation provided in the roof space. The facilities building for the caravan park would be 1.5 storeys and the changing facilities building would be 1 storey.

The materials of the external elevations of the dwellings would comprise render, weatherboarding and some slate hanging on key facades. The intention is to finish the dwellings bordering the undeveloped areas to the southeast in earth colour renders, with timber boarding and slate hanging so that they blend into the hues of the existing boundary hedgerows and trees. All roofs would be slate (natural slate would be required). Windows would be white with some grey/green frames in key buildings. The dwellings bordering the undeveloped areas would have dark colour window frames.

The density of the residential area is 25 dwellings per hectare.

### **Summary Of Consultation Responses**

*Natural England (NE):* Confirmed that an Appropriate Assessment is required in accordance with the Habitats Regulations to assess the implications of the development on the South Hams SAC, specifically its greater horseshoe bat and calcareous grassland interests. (An Appropriate Assessment has been carried out by the LPA and Natural England has been consulted in accordance with the Regulations. Natural England's comments on the Appropriate Assessment are awaited. The application must not be authorised until these are received and the LPA is certain that the development will not have an adverse effect on the SAC.)

The development should also be screened for likely significant effect on the

Lyme Bay and Torbay candidate SAC. (The development has been screened and the conclusion is that there is unlikely to be a significant effect either alone or in combination on the Torbay cSAC.)

NE commented that the amount of grazing land for greater horseshoe bat mitigation/enhancement in the original scheme was less than the 2010 application. Therefore, this should be increased and questioned the proposal for two full sized sports pitches at this location. Welcomed increase of grazing land provision in revised scheme and recognised there were competing interests why this could not be brought up to the level of the 2010 proposals.

NE recommended cirl bunting measures are scaled back in original scheme in favour of the greater horseshoe bat interest. Whilst NE accepted the amount of grazing land in the revised scheme, it recommended the cirl bunting field is changed to cattle grazing should the management regime for the cirl bunting field prove impractical.

NE requires that the ecological mitigation measures must be explicit and secured by condition/s106 agreement. The time period of the Landscape and Ecological Management Plan (LEMP) was originally too short at 15 years. NE welcomes the increased period of 25 years, but expressed concerns with how the mitigation and enhancement measures will be managed after this period. If the mitigation measures ceased after 25 years, this would lead to an unmitigated impact on the SAC.

NE has welcomed ecological monitoring programme in revised proposals. Also, welcomed the change of access to the caravan park from Gillard Road to Centry Road, as it will avoid the risk of severing the commuting habitat of greater horseshoe bats and disturbing foraging activity. Also, welcomed prevention of security lighting on dwellings.

*Environment Agency:* Objected to the original submission proposals, due to lack of information of how surface water from the site will be managed. Withdrew objection following submission of surface water drainage strategy as part of the revised scheme. Recommended management of drainage strategy be covered by condition and this be by infiltration techniques alone.

*English Heritage:* Provided comments on the original scheme only: Stated they are generally content the proposals will not introduce any major new visual intrusions to the settings of the Scheduled Berry Head military installations. Pleased with provision of grazing land on undeveloped areas of site. Support archaeological conditions.

*Sport England:* Objected to original proposals, due to lack of information on pitch/changing rooms specifications and concerns with the use of the community sports pitch as an overflow field for the caravan park. Maintains objection to

revised scheme, due to loss of one of the pitches and lack of information on ground conditions, pitch specification (including size requirements) and how community sport will be formalised on the site. Also, still concerned by proposed use of the pitch as an overflow field for the caravan park and how it will be managed/maintained to ensure it is fit for purpose. Also, expressed concerns with the internal design of the proposed changing facilities.

*RSPB:* Berry Head is an important site for cirl buntings, but the future of cirl bunting at Berry Head is uncertain as it depends on artificial feeding over winter. This could be made worse by increased predation from cats associated with the proposed development. Therefore, the application is considered acceptable only if the cirl bunting mitigation and enhancement measures are provided. Other comments raised similar issues to Natural England, but additional grazing land must not be at the expense of cirl bunting mitigation/enhancement measures. Bat and bird nesting boxes should be incorporated into the residential development.

RSPB has expressed uncertainty over the management of the cirl bunting field when commenting on the revised scheme and suggested artificial supplementary feeding should be considered. Raised similar issues to Natural England re impact on Berry Head SAC and time period of LEMP. Consider that grazing land provision should still be increased to the amount of the 2010 application (although not at the expense of cirl buntings). This could be achieved by removing the sports pitch/overflow field, or by moving the sports pitch further southwest. Suggested amendments to LEMP. The RSPB would like to receive a copy of the annual summary report of the ecological monitoring.

*South West Water:* No objection subject to foul flows only being connected to the public sewer. No objection or comment to revised scheme.

*South Devon AONB Manager:* Provided comments on the original scheme only: Landscape and habitat measures are well considered and should not be diluted. The sports pitches are unwelcome and should be replaced by further habitat provision. No objection to un-built fields along the north of the site being developed for housing, as provides an opportunity to roll back development away from the coastal edge. Ideally hedges should be retained as a public realm feature (this can be controlled in the s106 agreement). Question short timeframe of LEMP. Public access should not be allowed to the grazing/cirl bunting fields - supports paths providing access to the south of the development.

*Police Architectural Liaison Officer:* West Devon, Torbay & South Hams: The development should be constructed to meet full Secured by Design (SBD) standards. Concerns over the link between the residential development and caravan park in the original scheme. This was addressed in the revised proposals by relocating the facilities building adjacent to Centry Road. However, the PALO still has concerns with the footpath link at the southwest end of the residential development, as it will allow strangers into the area and people with

criminal intent could therefore go unnoticed and unchallenged.

(The footpath link provides pedestrian permeability, which encourages people to walk rather than drive in the interests of health and climate change. It also provides the opportunity for a circular recreational route for residents that may dissuade them from visiting Berry Head Country Park for recreation purposes and the resulting impact on the protected calcareous grassland. However, should Members agree with the PALO, a condition could be added if the application is permitted requiring the closure of this footpath link or details of how it could be made safer.)

The PALO also commented that: facilities for older children should be provided; there is scope for further 'pepper potting' of the affordable dwellings; and it would be preferable not to have the footpath through the courtyard between dwellings 31-34. A number of other minor issues have been addressed by the applicant.

*Torbay Coast and Countryside Trust (TCCT):* Concerned by reduction of grazing land for greater horseshoe bats in original scheme proposals compared to the 2010 application. Considered it essential that additional grazing land was sought. Welcomed the increase of grazing land in the revised scheme and recognised there were competing interests why this could not be brought up to the level of the 2010 proposals.

The TCCT has raised concerns with increased recreational pressure from new population in residential development on Berry Head protected grasslands. Therefore, recommended a financial contribution to TCCT to provide appropriate mitigation. These concerns were maintained in comments made on the revised scheme and reference was made to a recent report highlighting this issue.

The TCCT welcomes the bat barn, but suggested it was moved off-site next to TCCT proposed office to reduce risk of vandalism/arson. Have now agreed a management/monitoring strategy for the cirl bunting enhancement field with RSPB. There must be no lighting of the sports pitch. Hazel dormouse surveys should be included in the LEMP. Welcomed green infrastructure provision.

*Torbay Design Review Panel:* Provided comments on the original scheme only: Welcomed landscape led approach, but encouraged this at micro level as well as macro level. Recommended primary street should follow 'L' shape to aid orientation and legibility. Questioned cul-de-sacs and encouraged pedestrian permeability. Encouraged better street design, incorporating higher quality soft landscape, and more diverse mix of housing. Noted proposals lower than 2010 application. Queried location of recreation field and bat barn. Stated the materials utilised need to be genuine natural materials, e.g. real slate. Pointed out difficulties with hybrid application.

*Housing Services:* Disappointed policy compliant level of affordable housing

cannot be provided, but accept 15% is the maximum figure the development can provide based on the IVA. The acceptance of the reduced figure is subject to there being a satisfactory deferred contribution arrangement in place.

*Strategic Transportation:* Provided comments on revised scheme only: No objections in principle, although a few errors have been identified in the Transport Assessment modelling. This is not expected to have a significant effect though. Identified a number of improvements to existing highways that must be provided to minimise the impact of the traffic generated by the development on the local highway network. These include signage, junction improvements at Rea Barn Road/Higher Ranscombe Road and traffic signals updated to MOVA at Burton Street/Rea Barn Road. (These shall be secured as site acceptability matters in the s106 agreement.)

Requested amendments to Wall Park access, however it is considered that this could be dealt with by condition if the changes are necessary. Raised concerns with maintenance of verge strips in residential development, however landscape within the residential area will be maintained via a service charge on the dwellings, which can be secured in the s106 agreement. Raised concerns with the road surface materials, but again these details can be dealt with by condition.

Requires a £2,000 bond, returnable after 5 years, to safeguard against the implementation of parking restrictions on surrounding roads in case there is overspill parking from the proposed community sports pitch, e.g. if there are matches. The SPD sustainable transport contribution would be used to: improve strategic cycling infrastructure from Brixham to Churston, Broadsands and Hill Head; improve local walking and cycling links to the town centre, harbourside and local schools; and provide a bus shelter on Wall Park Road.

Commented on objections received from public to revised access to caravan park on Centry Road instead of Gillard Road: Whilst the access from Gillard Road is preferred, the access from Centry Road would not be unacceptable in terms of traffic and road safety implications along Centry Road and Higher Ranscombe Road. Also, aware there are ecological constraints to achieving this. However, the proposed footpath should be extended to provide a pedestrian route at the southern end of Centry Road, where there is no existing provision (the applicant has now provided this).

A Travel Plan should be submitted prior to commencement of the residential development. This can be secured by condition.

Engineering Service Manager: Recommends a revised surface water drainage strategy with smaller soakaways to avoid solution features in the underlying limestone, which could collapse if large scale soakaways are used. Requires trial holes and infiltration testing in the locations of the soakaways, and detailed design of soakaways in accordance with Building Research Establishment Digest

365. The sustainable drainage system and soakaways must be designed to cater for the critical 1 in 100 year storm event plus an allowance for climate change. In addition, if flooding is predicted the developer must demonstrate how floodwater/overland flow will be dealt with to avoid flooding of properties on the site and land and properties off the site. These details must be provided before planning permission is granted instead of by condition. (The applicant has submitted additional information and further comments are awaited.)

*Arboricultural Officer:* Notes several trees species in the landscaping proposals which are unsuitable for the site and should be varied, e.g. Rowan, Cherry and Tree of Heaven. No trees are planted in the highway network and this should be adjusted to allow for appropriate street planting. No details of trees pits are provided, which should link to sustainable drainage solutions. The Landscape Management Plan should be amended to allow for regular watering. A plan of pre-commencement tree surgery operations should be prepared and the protection fencing plan must be amended. Details of tree staking and tree planting in the caravan park required. All these issues can be addressed by conditions.

*Natural Environment Services:* The emerging Torbay Sports Strategy notes there is surplus capacity and underused similar sports facilities in Brixham, therefore the proposed playing pitches are considered not needed. Improvements to existing facilities would be preferred. In addition, there is no need for play provision on the site, although there is a community desire to improve play provision at Astley Park. (No comments provided on revised scheme.)

*Senior Historic Environment Officer:* Some areas of the site have high archaeological potential. Therefore, archaeological investigation should be carried out before development works take place. This can be secured by condition.

*Building Control:* Radon protection required. Fire brigade access may not comply with building regulations, therefore reassessment required.

*Community Safety:* (No response to consultations, but are seeking the demolition of the buildings on the former holiday centre as soon as possible to put an end to break-ins and ongoing problems.)

*Brixham Town Council:* Provided comments on revised scheme only: Members of the TC praised scheme overall, but recommend refusal on following grounds: access to caravan park on Centry Road would cause vehicular issues in Centry Road and beyond, therefore should be moved close to junction with Gillard Road to avoid Higher Ranscombe Road; the financial contribution to Brixham had not been finalised, but there should be more contribution than presently put forward; and the cirl bunting field should be reduced to provide one

more sports pitch. It was also suggested that if the one way traffic system on Centry Road was changed, this would aid in reducing traffic issues in Higher Ranscombe Road.

*Torbay Local Access Forum:* No comments.

### **Summary Of Representations**

There were 8 representations received for the original scheme. 5 of these were objections, 2 in support and one neutral. The following material considerations were raised:

- Affect on AONB
- No current need for housing
- Will not be effective in promoting tourism, sustainable economic growth or employment in local area
- Contrary to Landscape, Nature Conservation, Tourism and Environmental Protection policies in Local Plan
- Contrary to policies in the new Local Plan
- Contrary to NPPF
- Height of buildings and visual impact
- Impact on greater horseshoe bat and cirl bunting habitat, and Berry Head SAC
- Developing fields behind housing on Wall Park Road would cause urban sprawl
- Presumption in favour of sustainable development does not apply
- High quality tourism accommodation required
- Affordable housing should be near business parks
- Previous decision state the site is unsuitable for housing
- Risk of subsidence from use of soakaways
- Impact of traffic on Higher Ranscombe Road (2 schools and public swimming baths)
- Previous appeal decision
- New Tall Ships storage barn will vastly improve security of heritage equipment
- Proposals would provide more balanced mix of uses to a brownfield site
- Overdevelopment
- Increased traffic
- No use of sports pitches during June, July and August
- Light and noise pollution
- Not enough employment provision
- Impact of construction traffic on local roads
- Road and footpath improvements required on Centry Road
- Holiday centre is currently an eyesore and causes vandalism and noise
- Proposals would enhance the area
- Tourist facilities would attract high spend visitors
- Impact on local infrastructure

- Whole site should be developed for tourism
- Departure from Local Plan to provide housing
- Development should not encroach further into AONB/Coastal Preservation Area
- Not sustainable development
- Impact of traffic on Centry Road
- Already natural play space on the site

There were 19 representations received for the revised scheme. 18 of these were objections and one was neutral. The main objection was the revision to the plans that moved the access to the caravan park from Gillard Road to Centry Road. The following material considerations were raised:

- Impact of increased traffic on local roads
- Overlooking of 67 Wall Park Road
- Visual impact on Berry Head Country Park
- Environmentally unsustainable
- No demand for this kind of housing development
- Land required for employment
- Impact on AONB
- Not enough affordable housing
- Private housing will attract older people leading to imbalance in community
- Impact on health infrastructure
- Not enough tourism
- Caravan access inadequate
- Affect on AONB
- No current need for housing
- Will not be effective in promoting tourism, sustainable economic growth or employment in local area
- Contrary to Landscape, Nature Conservation, Tourism and Environmental Protection policies in Local Plan
- Contrary to policies in the new Local Plan
- Contrary to NPPF
- Height of buildings and visual impact
- Impact on greater horseshoe bat and cirl bunting habitat, and Berry Head SAC
- Developing fields behind housing on Wall Park Road would cause urban sprawl
- Presumption in favour of sustainable development does not apply
- More high quality holiday chalets required
- Risk of subsidence from use of soakaways
- Not enough housing for older people
- Impact of traffic on Higher Ranscombe Road (2 schools and public swimming baths)
- Previous appeal decision

- Impact of traffic on character of Centry Road
- Centry Road should be widened
- Site should be opened up for public recreation uses
- Lack of supporting infrastructure
- Overdevelopment
- Concern with geotechnical stability
- Poor access
- Departure from Local Plan
- Camp should not be built upon due to its natural beauty/too many dwellings
- Impact on other wildlife
- Support proposal except access on Centry Road
- Impact on privacy and loss of light to 69 Wall Park Road
- Noise from sports pitch

These representations have been copied and sent electronically for Members consideration.

### **Relevant Planning History**

- DE/2013/0018/ZP: Form 170 dwellings; touring caravan site with up to 110 pitches including managers accommodation and facilities building; rugby and football pitches including changing facilities for sports pitches and limited parking; separate accesses on Centry Road for sports pitches and touring caravan site; access from Gillard Road to serve the Tall Ships workshop and bat barn; public open space; significant area of grazing land and ecological enhancements including an additional bat barn (pre-application enquiry): Split decision 06.06.2013
- P/2014/0446/SCR: Request for Screening Opinion for the redevelopment of former Pontin's Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space: EIA required 17.12.2012
- P/2012/1114/SCO: Request for Screening & Scoping Opinions for the redevelopment of former Pontin's Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space: Scoping reply 17.12.2012
- P/2010/0541/MPA: Revised plans and details to application P/2010/0541/MOA including- removal of 14 tourist lodges and 12 houses in the South West field,

relocation of childrens play area (LEAP), relocation of proposed touring caravans and various alterations to masterplan layout. Revised description Outline application for demolition of the bungalow on Wall Park Road and all buildings on site and the erection of up to 219 residential dwellings, a 60 bed care/nursing home (C2 Use), 2 number. bat barns (1 of which to be a heated winter bat roost), use of land for touring caravans/camping and associated administration facilities, alteration of access onto Centry Road and alteration of access onto Wall Park Road together with the provision of formal (LEAP) and informal public open space, landscape and wildlife mitigation measures and associated works .THIS IS A DEPARTURE FROM THE TORBAY LOCAL PLAN: Refused 06.01.2011 (Appeal dismissed 19.12.11)

P/2008/1340/CE: Certificate of lawfulness for an existing use of area 1 as a miniature and novelty golf course; area 2 as a football pitch/overspill car park/hosting special events; area 3 as a caravan/camping park: Approved 17.09.2009

P/1996/0959/CE: Certificate Of Lawfulness For An Existing Use As A Camping Site For Touring Caravans And Tents - 30 Units: Approved 30.01.1997

### **Key Issues/Material Considerations**

The key issues are:

1. The Principle of the Development
2. Ecological Impacts and Proposed Mitigation
3. Design and Landscape
4. Visual Impact
5. Impact on Amenity of Neighbouring Properties
6. Impact on Local Highways and Parking
7. Drainage
8. Housing Mix and Affordable Housing
9. Community Sports Pitch
10. Phasing and Delivery
11. Archaeology
12. Contamination
13. Noise

## 1. The Principle of Development

The relevant Local Plan Policies concerning the principle of development are considered to be HS, H2, TUS, TU9, TU10, RS, R3, LS, L1, L4 and EP6 (Nature Conservation Policies are addressed separately in Section 2 below). The appeal decision for the previous application is also a material consideration, as is the NPPF published after the appeal decision was made. The new Local Plan Policy SS2 allocating the site as a Future Growth Area is a material consideration, but with limited weight at present due to objections which have been received. The presumption in favour of sustainable development in the NPPF does not apply, as an Appropriate Assessment is required in accordance with the Habitats Regulations (paragraph 119).

The application is for a mixed use development split into four component parts: (1) residential development; (2) touring caravan park (with facilities building); (3) community sports pitch (functioning as an overflow site for the caravan park 3 months per year), with changing facilities building; and (4) cattle grazing land/cereal crop field (with bat barn) as biodiversity mitigation/enhancement measures. The delivery of the caravan park, community sports pitch/changing facilities building and biodiversity mitigation/enhancement measures are entirely dependent on the delivery of the new housing, as they are not financially viable to deliver separately. The touring caravan park is estimated to have a negative development value of c.£1 million, the community sports pitch and changing facilities building would cost £476,370 to build with limited income potential thereafter, and the biodiversity mitigation/enhancement measures cost £880,899.77, and are expected to rise to around £960,900 (see s106/CIL section below). This represents an investment into Brixham of £2,437,270. This is in addition to 25 affordable dwellings and £244,269.50 towards local infrastructure. All these public benefits would be subsidised by the new housing and the Local Planning Authority could make it a requirement that they are delivered at an early stage in the overall development. This is considered to be a material consideration.

The application differs from the previously refused application by removing the care home and reducing the amount of housing by 54 dwellings (representing just under 25% reduction), thus reducing the amount of development on the former holiday centre and adjoining fields to the northwest. In addition, whereas the previous application proposed to relocate the existing touring caravan park on the site, this application proposes to develop a higher quality caravan park, with facilities building, 59 pitches with electric hook ups and drainage, and 12 camping pods. The facilities building would have washrooms, laundry facilities, a reception and cafe. The current application also includes a community sports pitch.

Notwithstanding tourism and landscape protection Policies TU10, LS and L1, the development is considered to accord with Local Plan Policies HS, H2, TUS, TU9,

RS, R3 and EP6: The development would provide a sustainable housing development, new tourist facilities and a new playing field and associated changing facilities, in accordance with the allocation for a new playing field in Policy R3. In addition, the development would result in the beneficial reuse of a vacant, derelict site in accordance with Policy EP6. It is also worth pointing out that the 2010-2015 Strategy 'Turning the Tide for Tourism in Torbay' highlighted that the demand for basic chalet and caravan holiday park accommodation has been in significant long term decline, whereas there is an increased demand for premium caravan/lodge accommodation. The application has responded to this by proposing a higher quality caravan park.

However, Local Plan Policy TU10 resists the change of use or redevelopment of existing holiday centres where:

1. the proposals would result in the loss of a site which offers a good range of facilities and makes a significant contribution to the stock of holiday accommodation in the resort;
2. the site offers potential for development and/or refurbishment to provide an important level of tourist accommodation and related facilities;
3. the site is a prime location for holiday use (i.e. coastal, rural or close to major tourist attractions);
4. the loss of a site and introduction of a new use would be detrimental to the general holiday character of the locality, or its loss would have a detrimental effect on nearby chalet, caravan or camping sites by changing the character of the area; or
5. the application is contrary to countryside and landscape policies set out in the Local Plan.

The Inspector for the appeal of the previous application dismissed 1, 3 and 4 out of the above criteria. He concluded that the holiday centre had already been lost as a tourist destination and serves no useful purpose. The location of the site away from key town attractions and limited visibility of the sea means it is not a prime location for holiday use. Lastly its loss would not be detrimental to the holiday character of the area and could actually benefit suppliers of similar facilities in the area. However, he considered the application failed criteria 2 and 5.

In respect to criterion 2, the Inspector agreed with the appellant that it was not a viable option to refurbish the existing accommodation or provide a number of other tourism related uses. However, the Inspector considered the site retains some potential for limited reuse, based on the fact that the appeal scheme included proposals for a touring caravan/camping site for up to 140 units. The Inspector considered the former holiday centre could be redeveloped to provide quality touring pitches with hard standings. However, in making this decision, the Inspector does not appear to have considered the viability of this. In particular, whereas the proposals were to relocate an existing caravan park business with

basic facilities from one field on the site to another, a redevelopment of the former holiday centre for a similar use would need to factor in the costs of demolishing the existing buildings and clearing the site. The costs of this are significant and therefore it is considered unlikely that such a use would be viable. Furthermore, it would not achieve the quality tourist facilities the Council is seeking.

Therefore, it is considered that criterion 2 can also be dismissed. This also takes into account that the Inspector did not believe the site would be sufficiently attractive to support a major tourism investment. In addition, by developing the site for housing, this will deliver a high quality caravan park elsewhere on the site.

In respect to criterion 5, the development would not be contrary to Policy L4, which protects the countryside from development: None of the proposed housing would be located within the Countryside Zone and development for touring caravans and tents, and development associated with outdoor sport and recreation is permitted. However, the Inspector concluded that the previous application would harm the landscape and scenic beauty of the AONB, contrary to Policies LS and L1. This is despite recognising that the proposals would enhance the landscape of parts of the site through the biodiversity mitigation/enhancement measures. The Inspector based his view on the fact that the landform changes from steeply sloping north of Wall Park Road to gently sloping to the south and this coincides with the change in land use from urban to mainly rural. The Inspector considered the development would be visible from parts of the AONB to the east and would appear to encroach into the open landscape. Whilst the extent of the built development in the new application is the same as the previous application, there are a number of differences that are considered to reduce its impact. These and other material considerations listed below are considered to provide exceptional circumstances where major development can take place within the AONB, in accordance with paragraph 116 of the NPPF, and they are also considered to demonstrate that the development would be in the public interest:

- The number of dwellings has been reduced from 219 to 165 (approx. 25% reduction), therefore the density has decreased from 33 dwellings per hectare to 25 dwellings per hectare. This has resulted in a less suburban, more landscape led development, with fewer and lower height dwellings around the periphery.
- The care home which was the tallest and largest built element of the previous application, and was sited on the highest part of the site has been removed.
- More tree planting is proposed to the northeast and southeast of the residential area to soften and screen views.

- The existing holiday centre has become an eyesore that detracts from the scenic beauty of the AONB, and the undeveloped fields to the northwest behind the Wall Park Road dwellings are considered to offer little to the landscape quality and scenic beauty of the AONB.
- The biodiversity mitigation/enhancement measures, including provision of new trees, hedges, hedge banks, cattle grazing land and cereal crop field for curlew buntings would enhance the landscape character and scenic beauty of a large area of AONB within the site. They would also enhance the biodiversity value of the site, including as a foraging area for greater horseshoe bats in the interests of the Berry Head SAC.
- The application would replace the lawful use of the fields adjacent to Gillard Road for pitch and putt/miniature golf and caravan park/camp site with cattle grazing land, therefore returning this land to agricultural use. This would have the effect of drawing back the human uses away from the coastal edge.
- The South Devon AONB Manager has been consulted and has no objections to the proposals (including development of the undeveloped fields behind the Wall Park Road dwellings).
- The application would improve the tourism accommodation offer on the site by providing a higher quality caravan park and new community facilities in the form of the sports pitch.
- The application would provide 25 much needed affordable dwellings in Brixham.
- The residents and visitors of the development would increase expenditure in the town to the benefit of the local economy.
- The public benefits of the scheme are only deliverable by being subsidised by the residential development and therefore cannot be disaggregated to other parts of the town.
- The site is allocated as a Future Growth Area in the New Local Plan, although this can be afforded limited weight at present.

Therefore, for the reasons above the principle of the development is considered to be acceptable. Whilst each case must be determined on its own merits, Members have previously approved major developments within the AONB on the edge of Brixham. These include the former Dolphin Holiday Centre (191 dwellings, local centre and coastal improvements) (ref. P/2004/1032/MPA) and Riviera Bay Holiday Park (11 lodges with 216 parking spaces and 12 dwellings) (ref. P/2011/0470/MPA).

## 2. Ecological Impacts and Proposed Mitigation

The site is located within a strategic flyway and the sustenance zone associated with the South Hams SAC at Berry Head. The SAC is designated for its greater horseshoe bat roost site, and calcareous heath and grassland habitats. Critically it is within 1km of the maternity roost at Berry Head. It is also within close proximity of the Lyme Bay and Torbay Candidate SAC (cSAC). Therefore, the proposed development has been screened to assess its likely significant effect on the SAC and cSAC in accordance with the Habitats Regulations. The conclusion is that the development is likely to have a significant effect on the SAC and therefore an Appropriate Assessment must be carried out of the implications of the development on the integrity of the site. However, the development is unlikely to have a significant effect on the cSAC, as construction impacts can be controlled by condition, foul water discharge would be less than the previous use and a sustainable surface water drainage strategy would be included in the proposals.

An Appropriate Assessment has been carried out on behalf of the Local Planning Authority. It has been informed by comprehensive bat activity surveys undertaken between 2008 and 2012 by the applicant's ecological consultants. The Appropriate Assessment includes a number of measures designed to mitigate the impact of the development on the SAC. These must be secured by planning conditions or s106 agreement. The measures include: planting new hedgerows to subdivide the existing large fields into sheltered bat foraging areas; provision of cattle grazed pasture; a bat barn for the provision of new roosts; and a 25 year Landscape and Ecological Management Plan (LEMP). Together, these measure would enhance the site for greater horseshoe bat foraging and commuting habitat. In addition, a financial contribution towards the management of the protected heath and grassland at Berry Head would be secured to mitigate the impact of the additional people from the development using Berry Head for recreational purposes, such as for dog walking.

The Ecology chapter of the Environmental Statement submitted with the application identified other bat species, hazel dormice and cirl buntings as other protected species that had either medium or high sensitivity on the site. The mitigation designed for greater horseshoe bats would also benefit these species. In addition, a small field would be set aside for cereal crop growing to provide a winter feed source for cirl buntings. Therefore, the proposals would enhance the habitat provision on the site for these species also.

The Appropriate Assessment requires a condition to secure a Construction Environmental Management Plan (CEMP) prior to commencement of any development works. This would safeguard biodiversity interests during the construction phase of the development. There would also need to be strict controls over lighting in the interests of all bats species. This can also be secured by condition.

Agreement and sign off of the Appropriate Assessment is currently awaited from Natural England. The proposed development cannot be approved until Natural England's comments on the Appropriate Assessment have been received. When this process is completed the LPA will have made certain that the proposals will not adversely affect the integrity of the South Hams SAC.

Therefore, subject to Natural England's approval of the Appropriate Assessment, the proposed development is considered to accord with Local Plan Policies NCS, NC1, NC2, NC3 and NC5, and paragraphs 109 and 118 of the NPPF.

### 3. Design and Landscape

The design of the proposed development is considered to be acceptable. The original scheme proposals were assessed by the Torbay Design Review Panel, which made a number of recommendations. These focused on improving the landscape led approach at the micro - 'street' - level, not just at the macro level. They also recommended amending the layout and hierarchy of streets slightly within the residential area in order to improve legibility and provide a simpler, more easily understood layout. This hinges on the provision of a primary 'L' shaped street through the residential development, with key nodal points of greenspace at the ends and on the corner of the 'L'. A southern 'play trail' along the longer arm of the 'L' is also provided comprising a long, linear green space with trees, shrubs and natural play equipment. A second shorter play trail is provided further north near to the affordable housing, which helps to break up the development into horizontal parcels of development with structural green space/tree planting between. This helps to soften and screen the development in views.

Following the TDRP, officers requested that detailed proposals were submitted for the whole development, not just the first phase of housing, in order to provide a greater level of certainty of what would be delivered. This took into account the location of the site within the AONB. It extended to the caravan park and sports pitch, so that Members would know exactly how many touring caravan pitches would be provided compared to the existing. Consequently the applicant submitted the revised proposals as a full application.

Officers also did not wish to see a predominance of standard house types in the scheme. Bespoke house design was sought in order to set the scheme aside from other housing developments, and enhance local distinctiveness and sense of place. The applicant responded by including a number of design details on the dwellings, such as interestingly shaped gables, porches, bellmouth window detailing and corbel detail to eaves. The dwellings proposed along the southeast edge of the housing development have also been designed to have a more rural, farmyard character set around courtyard spaces that reflect the character of a traditional farmyard. This ensures a softer rural edge to the development, helping it integrate with the natural environment. A varied materials palette is also

proposed to reflect the character of South Devon. The predominant material is render, but with liberal use of timber and some slate cladding. Plinths would be of black brickwork with black mortar and window cills would be made of stone. All roofs would have slate tiles and it would be a requirement of planning permission that these are natural slate. Should planning permission be granted, planning conditions would be used to agree the colour and specification of all building materials.

As identified earlier in this report, the new Local Plan has designated four Mineral Safeguarding Areas to the south of Torbay and the site is located within one of these areas. The areas have been designated for their Devonian limestone resource. New Local Plan Policy M3 encourages the use of local building stone in new development. Therefore, should the application be approved, officers will explore with the applicant whether limestone could be used in the development. As this is an expensive material, this is likely to be limited. However, officers consider that it might be appropriate to include this material on the caravan facilities building and changing facilities building. The external walls of these buildings are currently proposed to be timber cladding/render and timber cladding respectively. Their external designs are acceptable, but the use of limestone on part or all of the buildings may enhance their appearance.

Apart from materials, detailed landscaping and planting conditions are required. These would be used to agree tree and plant species with the applicant, and can be used to address some of the comments made by the Arboricultural Officer. Overall, the landscape design of the scheme is considered to be acceptable and follows the recommendations of the TDRP.

Whilst the residential development includes natural play equipment within the proposed 'play trails' there is an absence of a traditional playground within the scheme and it is understood that there is a shortage of playgrounds in the area. However, the proposed caravan park includes a play area which has the potential of including traditional play equipment, such as swings, slides etc. Officers would like to explore with the applicant whether this could be made publicly accessible to address the local shortfall and complement the use of the adjoining sports pitch. Should the application be approved this can be explored whilst the s106 agreement is being drafted and secured through planning condition if considered reasonable.

Subject to conditions addressing the matters discussed above, the design and landscaping of the scheme is considered to accord with Local Plan Policies BES, BE1 and BE2.

#### 4. Visual Impact

This issue is closely related to design and landscape quality. The AONB is designated because of its scenic and landscape qualities and, consequently, it is

very important for new development to respect this quality. It is an issue that featured strongly in the Inspector's decision on the previous application. As such it has been given very careful consideration in the current proposals.

A Landscape and Visual Impact Assessment has been carried out by specialists on behalf of the applicant. It concludes that the scheme would result in significant long term benefits to the landscape from the restoration of traditional field pattern, provision of new hedgerows and improved public access to the AONB. In terms of impact on views, there would be no adverse visual impacts from long distances and only short term impacts from local viewpoints during the construction phase. However, due to their height, the proposed dwellings would be more visible than the existing chalets on the site in winter before new plantings become established, although this would be compensated for by their better design and materials. Furthermore, the dwellings reduce in height around the rural edge of the housing area and their materials and colouration have been chosen to blend into the landscape setting. In summer, the tree and hedge planting would screen the dwellings in views from Berry Head.

The Archaeology chapter of the Environmental Statement assesses the impact of the development on the settings of the scheduled monuments at Berry Head, including the fortifications. The development would be visible from Berry Head Fort and the Old Redoubt, but new plantings and existing vegetation would filter views of the development. It concludes that the development would not have a significant impact on the scheduled monuments.

English Heritage has provided comments on the application and considers that the development would cause 'less than substantial' harm to the settings of the scheduled monuments, provided the environmental, hedge and tree planting proposals are carefully implemented. The South Devon AONB Manager has raised no objections in terms of visual impact, provided the landscape and habitat proposals are carried out.

Therefore, the proposals are considered to be acceptable in regard to their landscape and visual impact on the AONB.

#### 5. Impact on Amenity of Neighbouring Properties

Two local residents living in the dwellings on Wall Park Road which back onto the site have raised concerns over the impact of the new housing on their privacy from overlooking and also daylight. All the proposed dwellings behind the Wall Park Road dwellings would be 2 storey except for a bungalow behind 71 Wall Park Road. It is generally accepted that a back-to-back distance of 20 metres is acceptable for privacy and other amenity considerations, whilst a back-to-side distance can be shorter than this. All back-to-back distances between the existing and proposed dwellings exceed 20 metres and back-to-side distances are also considered to be acceptable. Therefore, the proposals would not have a

detrimental impact on the amenity of neighbouring properties along Wall Park Road and the plans accord with Local Plan Policy H9 in this regard. In addition, study of the plans shows that the separation distances of the proposed dwellings would be within the acceptable limits in order to maintain privacy between the new properties.

## 6. Impact on Local Highways and Parking

Despite public concerns over the impact of the development on local highways, particularly Centry Road and Higher Ranscombe Road in terms of the traffic it would generate, highways and transport officers have carefully assessed the proposals. They are of the view that the scheme is acceptable and wouldn't have a detrimental impact on the local highway network. This is subject to securing through the s106 agreement a financial contribution to carry out highway improvements. These are for the provision of signage to direct visitors to the caravan park, improvements to the Rea Barn Road/Higher Ranscombe Road junction and upgrading traffic signals at Burton Street/Rea Barn Road to MOVA. The applicant has agreed to this together with payment of a financial contribution towards the provision and enhancement of sustainable transport modes in the area (see s106/CIL section below).

The movement of the access to the caravan park from Gillard Road to Centry Road followed discussions with Natural England and other environmental bodies. The access on Gillard Road cut through the greater horseshoe bat corridor associated with the South Hams SAC at Berry Head and was unacceptable due to the impact it would cause, particularly from car headlights. Therefore, the access was moved to Centry Road and this was welcomed by Natural England in its response to the revised scheme. This has also helped to improve the scheme as a whole.

Whilst highways and transport officers do not object to the proposed access to the caravan park on Centry Road, they requested an extension of the proposed footpath running along the southern boundary of the site next to Centry Road at its southern end. This is because whilst there is a footway running the majority of the length of Centry Road, there isn't one at its southern end where the road is narrowest. Therefore, officers have negotiated the provision of a footpath extension in order to provide a safe off road route for pedestrians.

In terms of parking provision, all the proposed dwellings would have a minimum of 2 parking spaces except for four of the 2-bed affordable dwellings, which would have one space each. However, there are additional visitors parking spaces near to these dwellings. The overall parking provision for the residential development is considered to be acceptable.

The caravan park would have a car parking area set aside for the camping pods comprising 10 spaces and four more parking spaces nearby. Vehicles towing

caravans would park next to the caravan pitches. 21 car parking spaces would be provided in a row along the western site boundary for the sports pitch, with thick vegetative screening opposite to protect the undeveloped area from car headlights. Transport officers have requested a £2,000 bond, returnable after 5 years, to safeguard against the implementation of parking restrictions on surrounding roads in case there is overspill parking from the sports pitch, e.g. if there are matches. This would be secured within the s106 agreement.

Therefore, in light of the above, the proposals are considered to accord with Local Plan Policies TS, T25 and T26.

## 7. Drainage

A surface water drainage strategy for the development has been submitted, which has been accepted by the Environment Agency. However, the Council's Engineering Service Manager has identified a number of mistakes in the strategy, e.g. trial holes and infiltration tests not carried out in locations of proposed soakaways, and has requested further details. Furthermore, they have recommended a revised strategy incorporating smaller soakaways, due to the presence of underground solution features. The applicant has submitted further details and comments are awaited from Engineering.

Due to the scale of the development the Engineering Service Manager does not support the use of a pre-commencement condition to resolve this issue. Therefore, the recommendation is to allow 3 months after committee for this issue to be resolved with officers otherwise the application will be brought back to committee for further determination.

## 8. Housing Mix and Affordable Housing

The housing mix comprises 18 no. 2-bed, 84 no. 3-bed and 63 no. 4-bed dwellings. The percentage split is 11%, 51% and 38% respectively. This is considered to be a balanced provision of household sizes. It therefore accords with Local Plan Policies HS and H2.

25 of the dwellings would be affordable housing, which equates to 15%. This level of provision has been accepted by officers and Housing Services following the outcome of an Independent Viability Assessment (IVA). The IVA concluded that it was reasonable to provide 29 affordable dwellings (17.6%); however, neither the applicant's Financial Viability Assessment or the IVA included the costs and values associated with the proposed caravan park. This is because such an exercise would be very difficult and time consuming. The applicant informed officers that the cost to the scheme of delivering the caravan park was estimated at minus £1,000,000. The valuer conducting the IVA had no reason to dispute this and it was therefore accepted by officers. As this amount would equate to roughly 10-12 affordable units which could potentially be lost, the 15%

affordable housing offer was considered acceptable by Housing Services and officers.

The tenure of the affordable dwellings is split as a third social rent, a third affordable rent and a third shared ownership in accordance with the Council's most up-to-date guidance. The size mix is 5 no. 2-beds (20%), 15 no. 3-beds (60%) and 5 no. 4-beds (20%). This shows a slight leaning towards 2 and 3-bed dwellings compared to the scheme as a whole, but has been accepted by Housing Services and would meet the needs of a range of household sizes.

The affordable dwellings would be provided in two clusters of 20 and 5 units to the northwest. The Police Architectural Liaison Officer has suggested the larger of these could be reduced and 'pepper potted' more throughout the residential area. However, Local Plan Policy H9 allows clusters up to 40 dwellings and the distribution has been accepted by Housing Services.

Therefore, the affordable housing provision is considered to accord with Local Plan Policy H6 and the Planning Contributions and Affordable Housing SPD.

#### 9. Community Sports Pitch

Sport England has objected to the application due to the reduction in proposed playing field pitches from two to one and lack of information provided on the specification of the pitch to meet performance quality standards for football and rugby, taking into account the proposed annual use of the pitch as an overflow caravan/camping site during June, July and August. However, Local Plan Policy R3 only requires the provision of one playing field and related changing facilities, so Sport England's objection appears to be partly unfounded. It is also only possible to provide one pitch, due to the requirement to provide the amount of grazing land required by Natural England to mitigate the impact of the development on greater horseshoe bats. Officers have written to Sport England explaining this and are waiting for a response.

Policy R3 was based on a survey of playing pitch provision completed in 1995. The Council published an up-to-date draft Torbay Playing Pitch Strategy in April 2014. This identifies a need for new junior and mini football pitches in Brixham, and also an additional rugby pitch in Brixham, both of which could potentially be provided on the site. Whilst Sport England has stated its concerns with the size of the proposed pitch for adult football and rugby, it could be used for junior football to meet the identified need. It could also be used for junior rugby activity. Therefore, the principle of the proposed community sports pitch is considered to be acceptable. Furthermore, it is considered that Sport England's concerns over the maintenance and management of the pitch can be addressed by planning conditions, e.g. securing a ground conditions assessment and community use agreement. The applicant has stated that the sports pitch would remain in the same ownership as the caravan park, but the conditions would secure its

continued community use and require that it is fit for purpose after the summer camping period.

Sport England has also raised concerns with the internal design of the changing facilities building. Should the application be approved, these issues will be taken up with the applicant to address these concerns prior to the decision being issued.

## 10. Phasing and Delivery

The phasing and delivery of the different aspects of the development have yet to be agreed. Should the application be approved, these issues would be discussed with the applicant whilst the s106 agreement was being drafted. However, officers would expect the caravan park, sports pitch and ecological mitigation/enhancement measures to be included in an early phase of the project timetable in order to secure their delivery.

Officers would also expect the existing buildings on the site to be demolished and the site to be cleared within a short timescale after permission was granted, subject to Building Regulations approval and any necessary wildlife licenses being obtained. This is due to the social problems that have been occurring.

## 11. Archaeology

There is a standing stone of possible prehistoric origin within the field proposed as a touring caravan park, which would be retained. Whilst its setting would change, this is not considered to be a significant impact.

The site has potential for archaeology from the iron age, Roman, Napoleonic and WW2 eras. Therefore, archaeological investigations would be carried out prior to any development works taking place in accordance with a Written Scheme of Investigation agreed by the Senior Historic Environment Officer. This would be secured by condition.

## 12. Contamination

A desk top study and intrusive ground investigation have been carried out by specialists on behalf of the applicant. A number of potential historic sources of contamination have been identified and elevated levels of arsenic have been discovered within natural materials across the site. In addition, single elevations of benzo(a)pyrene and cadmium have been detected. The site is also located within a radon affected area, and slightly elevated concentrations of CO<sub>2</sub> gas have been identified.

Consequently, basic radon protective measures and carbon dioxide protective measures would be necessary, and gardens and soft landscape areas would

have to be capped with clean soil to a depth of 600mm and 150mm respectively (deeper around tree plantings). Further ground investigations are required following demolition and site clearance works, e.g. the infill materials of the former swimming pool. The significance of additional impacts would need to be assessed and any further remediation/mitigation measures identified.

The further ground investigations and remediation measures would need to be secured by planning conditions in accordance with Local Plan Policy EP7. Provided the remedial measures are implemented, the Environmental Statement concludes that the risks would not be significant.

### 13. Noise

The Noise chapter of the Environmental Statement concludes that there would be no significant noise impacts from the development during its construction, subject to a Construction and Environmental Management Plan (CEMP) to secure measures to control construction noise. This would be secured by condition. In addition, it concludes there would be no significant noise impact to existing and new residents.

#### **S106/CIL -**

The following site acceptability contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

Waste Management	£ 8,300.00
Highway Improvement Works (as set out in consultation response from Strategic Transportation)	£40,000.00

In addition, the following ecological mitigation measures and enhancements would need to be secured in the s106 agreement as site acceptability matters:

- Landscape and Ecological Management Plan (LEMP) in relation to the undeveloped areas of the site not including the sports pitch/overflow field covering 25 year period with the name of the organisation that will be responsible for implementing the LEMP (£538,745.81 - cost in IVA).
- Ecological Monitoring and Early Warning Strategy (EMEWS) with the name of the organisation that will be responsible for implementing the EMEWS (£71,163.96 - cost in IVA).
- Financial contribution (amount tbc) to mitigate the impact of the development on grassland and heaths within Berry Head SAC, with the name of the organisation that will receive this contribution and implement the mitigation

identified for this impact in the Habitats Regulations Appropriate Assessment.

- Delivery of grazing land and cirl buntings cereal crop field at a trigger point to be agreed (£125,424.00 - cost in IVA)
- Implementation of grazing land setup and stock management (years 1 & 15) (£96,066.00 - cost in IVA)
- Delivery of bat barn at a trigger point to be agreed (£49,500.00 - cost in IVA)

In addition, a financial contribution of £87,193.00 is required towards the South Devon Link Road (SDLR) in accordance with the adopted Council Report 'Third Party Contributions towards the South Devon Link Road'. (This has been subtracted from the Sustainable Development Contributions below.)

In addition, it has been agreed to provide the following affordable housing in accordance with Policy H6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

- 6 no. 3-bed social rent
- 2 no. 4-bed social rent
- 5 no. 3-bed affordable rent
- 3 no. 4-bed affordable rent
- 5 no. 2-bed shared ownership
- 4 no. 3-bed shared ownership

Total 25 dwellings (15%)

1 affordable dwelling to be wheelchair accessible

In addition, the following sustainable development contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

Sustainable Transport	£170,583.50
Lifelong Learning	£ 25,386.00
Administration Charge	£ 14,573.13

In addition, the s106 agreement will need to include clauses that secure the following:

- Extinguishment of lawful uses established by application nos. P/1996/0959/CE and P/2008/1340/CE.
- Demolition of the existing buildings on the former holiday centre within 2

months of planning permission being granted

- Early delivery of new hedges and hedge banks
- Delivery of the touring caravan park at a trigger point to be agreed.
- Delivery of the community sports pitch at a trigger point to be agreed.
- Service charge on the dwellings to pay for the upkeep of the landscape in the residential area.
- £2,000 bond, returnable after 5 years, to safeguard against the implementation of parking restrictions on surrounding roads in case there is overspill parking from the proposed community sports pitch
- An appropriate deferred contributions mechanism (limited to maximum s106 policy).

**Justifications:**

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing waste and recycling bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution for highway improvement works is justified in paragraphs 2.1-2.4 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and the consultee response from Strategic Transportation. The development will result in more traffic using the local highway network. The contribution will pay for improvements to signing, improvements to the junction at Rea Barn Road/Higher Ranscombe Road and the installation of MOVA traffic signals at Burton Street/Rea Barn Road.

The justifications for the ecological mitigation measures and enhancements are set out in the Appropriate Assessment carried out in accordance with the Habitats Regulations.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The justification for the provision of affordable housing is set out in section 3 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6).

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will be used towards carrying out improvements to strategic cycling infrastructure, local walking and cycling links, and a bus shelter on Wall Park Road. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings and caravan park would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will be used towards the cost of improving provision at Brixham Library, including upgrading IT equipment. The proposed dwellings would place additional demand on the services provided by Brixham Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The administration charge is justified in paragraphs 5.6-5.8 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and will be used to administer/monitor the s106 agreement.

**Status:**

The applicant has agreed to all the obligations above, but is waiting for confirmation of the financial contribution to mitigate the impact of the development on grassland and heaths within the Berry Head SAC, and details of the deferred contributions mechanism. An update will be provided at committee. All timings associated with the payment of contributions and phasing of development works are yet to be agreed and will be negotiated by officers in consultation with the Chairwoman of the Development Management Committee and Executive Lead for Spatial Planning, whilst the s106 agreement is being drafted.

**Conclusions**

In conclusion, subject to the signing of a s106 agreement securing the matters listed above and the implementation of appropriate conditions addressing the issues raised in this report, the application is considered to be acceptable provided the proposed surface water drainage strategy can be agreed with Engineering Services. Officers have had to balance the views of different consultees and various planning issues, but are satisfied that the revised scheme achieves an overall planning balance and would therefore be a sustainable development. Apart from retaining a high quality tourism use on the site and providing a new community facility in the shape of the sports pitch, the application would deliver significant landscape and biodiversity enhancements to a large area of the AONB that would benefit greater horseshoe bats and other protected species. It would also provide a high quality designed residential

development, including 25 new affordable homes.

### **Condition(s)/Reason(s)**

01. Contaminated Land Assessment and Remediation Strategy
02. Programme of Archaeological Works
03. Secure Detailed Ecological Mitigation Measures
04. Construction and Environmental Management Plan (CEMP)
05. Demolition of Existing Roosts and Provision of New Compensation Roosts
06. Bird Breeding Season
07. Arboricultural Method Statement and Tree Protection Plan
08. Landscape Planting Plan
09. Tree Pit Plan
10. Lighting Strategy
11. Materials Schedule (buildings, boundary treatments and hard surfaces)
12. Ground Conditions Assessment (Community Sports Pitch)
13. Community Use Agreement (Community Sports Pitch)
14. Management and Maintenance Strategy (Community Sports Pitch)
15. Management of Surface Water Drainage Strategy
16. Access Plans
17. Travel Plan
18. Parking Provision
19. Cycle and Bin Storage Details
20. Secured By Design Assessment

### **Relevant Policies**

- HS - Housing Strategy
- H2 - New housing on unidentified sites
- H6 - Affordable housing on unidentified sites
- H9 - Layout, and design and community aspects
- H10 - Housing densities
- H11 - Open space requirements for new housing
- TUS - Tourism strategy
- TU9 - Refurbishment and redevelopment of holiday
- TU10 - Change of use or redevelopment of holiday
- CFS - Sustainable communities strategy
- CF2 - Crime prevention
- CF6 - Community infrastructure contributions
- RS - Recreation and leisure strategy
- R2 - Outdoor recreation developments
- R3 - New playing fields
- INS - Infrastructure strategy
- IN1 - Water, drainage and sewerage infrastructure

W6 - New development and the minimisation of  
LS - Landscape strategy  
L1 - Areas of Outstanding Natural Beauty  
L4 - Countryside Zones  
L8 - Protection of hedgerows, woodlands  
L9 - Planting and retention of trees  
L10 - Major development and landscaping  
NCS - Nature conservation strategy  
NC1 - Protected sites - internationally important  
NC2 - Protected sites - nationally important sites  
NC3 - Protected sites - locally important site  
NC5 - Protected species  
EPS - Environmental protection strategy  
EP1 - Energy efficient design  
EP5 - Light pollution  
EP6 - Derelict and under-used land  
EP7 - Contaminated land  
EP8 - Land stability  
BES - Built environment strategy  
BE1 - Design of new development  
BE2 - Landscaping and design  
BE10 - Recording of archaeological remains  
TS - Land use transportation strategy  
T1 - Development accessibility  
T2 - Transport hierarchy  
T25 - Car parking in new development  
T26 - Access from development onto the highway  
NPPF - National Planning Policy Framework