

Application Number

P/2015/0003

Site AddressLand At Sharkham Village (Phase 6)
St Mary's Hill
Brixham**Case Officer**

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Alternative proposed residential development at Phase 6, Sharkham Village, for 31 dwellings and associated infrastructure (accompanied by environmental statement received 12 May 2015)

Executive Summary/Key Outcomes

The site is allocated in the Local Plan for housing (policy H1.22A) and as such, the principle of residential development is acceptable. There is an extant permission for the development of 6 apartment blocks on the site which is 1.68 hectares in area. The site is within an Area of Outstanding Natural Beauty (AONB) and is adjacent to the South Hams Special Area of Conservation (SAC).

The application seeks to amend the approved scheme to provide family homes, rather than the previous 34 apartments in 6 blocks, to reflect the current housing market. A total of 31 houses are proposed which comprise of a mix of 14 three-bed homes and 17 four-bed homes. The proposed homes would provide a mix of terraced, semi-detached and detached properties of 2, 3 & 4 storey in construction with pitched roofs.

The key issues with regards to this application are its visual impact on the AONB, the impact on ecology, housing land supply, the character and design of the scheme, how it affects residential amenity and the impact on highways.

The proposal has a strong landscape lead approach in order to breakup and minimise its visual impact within the immediate area and from wider vantage points. The topography of the site has helped determine the layout and design of the scheme. The scheme sits well within the landscape.

The application has been accompanied by an Environmental Statement. An initial consultation on this with Natural England resulted in further information being required. The applicant has submitted this information and Natural England have been consulted to ensure that the information submitted is sufficient and provides suitable mitigation and gains for the ecology of the area and in particular the SAC.

The palette of materials proposed consist of stone plinths, render and natural slate which are considered to be characteristic of Brixham with the design, layout

and property types being of a good design quality.

The dwellings provide good sized family homes with gardens and adequate parking. The layout of the dwellings minimises the potential for intervisibility or overbearing impacts on the existing dwellings in the area or for future residents.

It is therefore considered, when taking this point into account, that the revised application for 31 residential dwellings should be approved.

Recommendation

Approval subject to the completion of a deed of variation to the original S106 agreement to deliver the education contribution, a satisfactory conclusion of the HRA that the proposed development would not result in a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC and to the conditions itemised at the end of this report. Final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance

Statutory Determination Period

The decision on this application was due on the 28th April. Due to the need to resolve details in relation to ecology and the submission of an Environmental Statement an extension of time has been agreed with the applicant.

Site Details

The site is a 1.68 hectare parcel of land located towards the south of the Sharkham Village development and accessed from St Mary's Drive which is itself located off St Mary's Hill. Earlier phases of the development adjoin to the north and east. A field to the south-east, which is managed by the Torbay Coast and Countryside Trust (TCCT) under the terms of the original application, separates the site from the coast which is some 200m away.

In terms of designation and land use policies; the site is covered by a Tree Preservation Order (TPO 2010.005), it is also within the allocated housing site, formerly known as Dolphin Holiday Camp (policy H1.22A), within the South Devon Area of Outstanding Natural Beauty (AONB), partially within the Coastal Protection Zone, and within the sustenance zone for Greater Horseshoe Bats associated with the South Hams SAC. The site directly adjoins the Countryside Zone and Coastal Preservation Area. It is within 75m of a SSSI and the Special Area of Conservation (SAC) mentioned above.

Detailed Proposals

The site forms part of an extant permission (P/2004/1032), this part of the site (phase 6) currently has permission for 34 apartments within 6 blocks which can be carried out at any point in time without further permission from the Council. The application seeks to amend the approved scheme for the site to provide family homes, rather than apartments to reflect the current housing market.

These would comprise of a mix of 14 three-bed homes and 17 four-bed homes. The proposed homes would provide a mix of terraced, semi-detached and detached properties of 2, 3 & 4 storey in construction with pitched roofs.

The proposed materials consist of stone plinths, render and slate. This palette of materials is considered to be in keeping with the character of Brixham. Each dwelling will have an integral garage, dedicated external parking space and access to shared visitor parking areas.

The internal roads and services as approved for the original Phase 6 scheme have been constructed. It is not intended that the alignment or level of these will be altered.

Summary Of Consultation Responses

Senior Heritage and Design Officer: The layout, form of development and palette of materials are deemed to be suitable in this location.

Environment Agency: No objection.

Drainage: The Council's Engineer has confirmed that the revised Flood Risk Assessment is suitable and does not object to the proposal.

South West Water: No objection.

Arboricultural Officer: No objection, recommends a slight change to some of the species proposed which can be conditioned.

RSPB: Subject to the provision of enhancement recommended in their correspondence response of 24.06.2015, no objection.

Natural England: Awaiting further response as a result of additional information being submitted by the applicant.

Highways: Highways raise no objection to the proposal.

Brixham Town Council: Recommend refusal: (1) The proposed development is overbearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity (phase 5). (2) Visual impact of 3/ 4 storey houses from the coast path and surrounding area. (3) Design should be referred to the design review panel.

Architectural Liaison Officer: Suggests rear access paths will need to be gated and these should be lockable. The space between plots 25 & 26 should include a buffer between the dwelling boundaries and the open space.

AONB Unit: Comments awaited.

Urban Design Officer: Comments awaited.

Summary Of Representations

There have been four objections to the proposal which make the following points.

- o Impact on roads/parking
- o Visual impact of four storey buildings on the AONB.

Relevant Planning History

P/2014/1147 - Partial re-grading of Coastal Field with inert top and subsoil from adjacent Sharkham Village development - PER - 13/02/15

DE/2013/0351- Phase 6- formation of 34 new dwellings with associated parking - The applicant reduced the number of dwellings to 31 and was given a positive response - 08/10/13

P/2010/1083 - Residential development to form 12 apartments and 10 houses and associated infrastructure with vehicular and pedestrian access (alternative to scheme approved under P/2004/1032 and

P/2007/1064) - Phase 5 - PER - 18/04/11

P/2007/1064 - Amendments to approved design, details and positioning of apartment blocks - Phase 5 - PER - 11/10/07

P/2004/1032 - Residential development of 91 2-3 storey units comprising 97 flats and 94 detached, semi-detached and terraced houses with local centre, 2 play areas and associated open space, provision of a loop road access, clearance of existing buildings and re-instatement of coastal land and SW field for nature conservation purposes - PER - 13/5/05

P/1996/1517 - Outline permission for residential development (including junction highway improvements) - PER - 10/4/01

P/1993/1561 - 165 bedroom hotel leisure complex - approved 1996 and renewed August 2001.

Key Issues/Material Considerations

The principle of residential development of this site is long established through the allocation in the Local Plan, the existing 5 phases and the extant permission. The key issues relate to the scale and character of development, its impact on the ecology and the wider visual impact of the proposal.

The matters for consideration are:

- A. Visual Impact
- B. The character of the scheme
- C. Impact on amenity

- D. Impact on ecology, SAC and trees
- E. Flooding and surface water drainage
- F. Housing Land Supply
- G. Highways impact
- H. S106 requirements.

These points will be considered in turn below:

A. Visual Impact

The site is within the AONB and therefore the visual impact that the development has on it must be considered. Policy L1 of the saved adopted Torbay Local Plan 1995-2011 states that development within the AONB will be permitted where it would support their conservation or enhancement or would foster their social and economic well being. This objective is consistent with the NPPF which states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

The site slopes from the north-west corner towards the coast in a south east direction. The layout of the proposed development has been designed to respond to the site topography allowing it to retain the original design philosophy of being set within the landscape.

The original scheme contained blocks of flats set in landscaped grounds in this location without providing gardens or domestic curtilages due to the sensitivity of the site.

The revised scheme involves a slightly larger overall build coverage than the previously approved six apartment blocks. However the blocks of apartments in the original scheme have a permitted height of 13.1 metres. The revised scheme proposes a mix of dwelling heights with the maximum being 12.6 metres. The most visual of these from the coastline will be detached buildings broken up by gaps with pitched roofs in comparison to the previously approved wide blocks with larger and more dominant roofs. The revised scheme includes a far more comprehensive landscaping scheme which acts to break up the development further, therefore when viewed from a distance the buildings will not appear over-dominant in the landscape.

A Visual Impact Assessment (VIA) has been submitted as part of the application. Prior to the submission of the application the applicant and the Council agreed a number of viewpoints which were deemed to be of importance. The conclusion of the VIA states that the revised housing scheme does not give rise to significant landscape or visual effects either individually or together. The coastal footpath and its valued and important qualities will not be fundamentally or significantly altered or eroded as a result of this development.

It is considered that the revised scheme provides more comprehensive landscaping and ecological improvements, particularly for the Greater Horseshoe Bat, than that previously approved, and would appear less dominant in the landscape due to being broken up by tree and hedge planting. Bearing this in mind it is deemed that the proposal would have less of an impact on the AONB than the original scheme. It is also considered that the scheme would, when based on its own merits, comply with policy L1 of the saved adopted Torbay Local Plan 1995-2011. The scheme has been designed to fit into the topography of the landscape and consideration has been given as to how to break up the build to minimise the impact of the dwellings. When considering the conclusions made in the VIA, the importance of providing 31 additional homes and the improvements to the landscaping, the scheme is deemed to have an acceptable impact on the character and appearance of the AONB from both within it and from wider vantage points.

B. The Character of the scheme.

The site is allocated for residential development in the Adopted Local Plan and is set within the wider residential area of Sharkham Village. The original consent was for six blocks of apartments within a well landscaped area, the road layout for the revised application follows that previously approved and has already been provided.

The density of the development equates to 18 dwellings per hectare which is relatively low in order to ensure that the development sits comfortably within the landscape and provided a high level of landscaping.

The proposed layout has been designed with the topography of the site which slopes down towards the coast in a south-east direction. The layout has also shifted development away from the Greater Horseshoe Bat strategic flightpath to the west of the site. Planted bunds are proposed in strategic positions across the site to shield parking areas and create soft edges to define boundaries. These have been successfully used in phase 5 of the Sharkham Village development.

The buildings are designed to step down the site using a mix of 2, 3 and 4 storey heights, the majority of which will be split level.

As these dwellings will be visible from the coast and sea they are to be of a contemporary coastal design which sit comfortably within a landscape led approach. The palette of materials proposed consists of stone, render and natural slate which are in keeping with the general character of Brixham.

This scale and form of development is less dominant than the 3 storey blocks of apartments which occupy the adjacent site and those which could be built on this site under the existing permission.

The overall layout and form responds reasonably well to the topography of the

site and sits relatively well with the phase 5 development. It is considered that the form and layout of the scheme makes effective use of the site and responds well to the topography and sensitivity of the area. The proposed development would create a good quality, well designed scheme that will provide a sense of place and a satisfactory residential environment for future residents. As such it accords with policies H9 and H10 of the saved Adopted Torbay Local Plan 1997-2011.

It is considered that in order to ensure that the open character of the area is maintained, that parts 1 & 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed. This would prevent the building of extensions to the main dwellings and outbuildings without first obtaining planning permission and would ensure that the character of the scheme is not detrimentally affected by inappropriate additions.

C. Impact on Amenity

The scheme is likely to impact on the views of some of the existing dwellings built as part of previous phases however this would have resulted if the original scheme had been enacted in any case.

The layout of the dwellings has been designed to minimise overlooking and indivisibility between the proposed dwellings. The orientation and layout of the scheme is such that it would not have on an overbearing impact on the occupiers of the existing dwellings within the Sharkham village development.

The proposed dwellings include good sized gardens and spacious family homes providing a suitable level of amenity for future occupiers.

It is therefore considered that the site can be developed without undue impact on amenity in compliance with policies H9 and H10 of the saved Adopted Local plan 1990-2011.

D. Impact on ecology, SAC and trees

This is an allocated site and so the principle of residential development is established. It is important however that the value of the site from an ecological and landscape perspective is fully understood and appropriate mitigation achieved. The site is currently an open area which had previously been cleared with piles of rubble and soils and some vegetation, the access road has been completed under the extant permission.

Although no internal trees are present, there are TPO trees along the boundary of the site. Although the Arboricultural Officer does not object to the proposal he has suggested how the locations, species and number of tree/hedges could be improved in his consultation response. It is considered that the recommendations of the Arboricultural Officer should be adhered to and a revised landscape strategy should be conditioned to be in-line with those comments.

A Greater Horseshoe Bat Report was submitted with the application which determined that the site lies adjacent to a strategic flyway although no evidence of these bats within the phase 6 site was found. This was followed up by the submission of an Environmental Statement with Chapter 5 focusing on ecology. This includes mitigation measures which shall be conditioned to be undertaken to ensure that the development is acceptable in ecological terms.

As previously stated, an Environmental Statement has been submitted as part of the application which covered ecology and the visual impact of the proposal. Natural England responded to this by suggesting further information would be required with regards to the impact on the Greater Horseshoe Bat. This information has been received and Natural England have been re-consulted. As part of this the applicant has submitted a Landscape and Ecological Management Plan (LEMP) to ensure proper management of key landscape and ecology features which will be beneficial to the area. The implementation of the LEMP is to be conditioned to again ensure that the development provides benefits to the ecology of the area.

A Habitat Regulation Assessment (HRA) has been undertaken as part of this application. The results of this will be reported to Members at the Development Management Committee. Planning consent for the proposed development can only be granted if it is concluded in the HRA that the proposed development would not have a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC.

The proposal overall provides a layout and landscaping led approach which is more beneficial to the ecology and natural landscape (i.e. trees and natural boundaries) than the extant permission. The revised scheme also moves development further away from the strategic flightpath than the previous application. It is therefore deemed to enhance the natural environment and the character of the AONB.

Thus it is shown that subject to receipt of the HRA the site can be developed in compliance with policies LS, L1, L10, L8, L9, NCS, and NC5 of the saved Adopted Local Plan 1995-2011.

E. Flooding and Surface Water Drainage

The site lies in Flood Zone 1 and the applicant has submitted a Flood Risk Assessment as part of the application. Surface water drainage is to be dealt with through soakaways and parking areas are to use permeable surfaces, the application also includes an attenuation basin to provide on site mitigation for surface water disposal.

The Flood Risk Assessment states that the proposed development would not create any increase to flood risk to the area and the councils Drainage Engineer has confirmed that the surface water drainage proposed for this development is

acceptable.

It is therefore considered that the site can be developed in compliance with flood risk policies included in the NPPF.

F. Housing Land Supply

The NPPF requires the Council to ensure there is a supply of deliverable housing sites to meet housing needs in the Bay over a 5 year periods. This is one of a number of sites allocated in the existing Adopted Local Plan, it has planning permission (for 34 units) and is identified as part the Council's 5 year supply of housing sites.

The planning permission for apartments has not been implemented and market conditions suggest it will not be delivered. Consequently, it is important to secure a deliverable scheme, as now proposed. Failure to support the proposal will put the Council's 5 year land supply at risk, which could in result in additional pressure for development of more sensitive sites and could undermine the emerging Local Plan.

G. Highways Impact

The site is accessed via a road network which was approved as part of the original scheme and which is in situ. The application proposes 45 car parking spaces, which equates to 1.5 spaces per unit and therefore complies with current Local Plan requirements. The Councils Highways Department have not raised objection to the proposal.

H. Section 106 requirements

The consented scheme for 191 dwellings included provision of 30% affordable housing (58 homes) that have already been provided and are occupied pursuant to an existing S106 Agreement. The approved plans for Phase 6 do not therefore provide any further affordable housing as this requirement has been met by earlier phases of the development.

The approved S106 provided an area of open space adjacent to the coast that was designated for wildlife conservation and enhancement and was leased to the Torbay Coast and Countryside Trust together with a commuted sum of £180,000 to enable them to maintain the area in accordance with an agreed management plan. The revised proposals for Phase 6 would not affect this S106 provision.

The approved S106 contained further obligations relating to provision of on-site public open space and commuted sum payments towards maintenance that have both been provided and paid. The following S106 payments and obligations have also been made in full:

- o Public Transport Contribution
- o Skateboard Park Contribution
- o Wildlife Conservation Area Contribution

o Sharkham Point Car Park Contribution

The only S106 obligation not completed at this stage (as it is not yet required to be completed) is towards education. A deed of variation to amend and link this application to the original S106 agreement has been submitted by the applicant.

Conclusions

The site is allocated in the Local Plan for housing and there is an extant permission for a residential development on the site, as such, the principle of residential development is not for consideration. Viable residential development of the site is important in terms of meeting the Council's requirement to have a 5 year supply of deliverable housing land. The plans submitted show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

The scheme provides quality dwellings whilst ensuring that the landscape and ecological sensitivities of the site are taken account of in the overall scheme and that the amenities of existing and future residents can be accommodated. This scheme will involve the creation of a range of family homes rather than 100% apartments as previously approved. The design is more traditional and gives more of a reflection of the coastal location of the dwellings than the previously approved scheme in terms of both design and concept. This is considered to have been appropriately handled and landscaped in order to minimise impact upon the AONB.

Recommendation.

Approval: subject to a deed of variation to the original S106 agreement to deliver the education contribution and to the conditions itemised below and a satisfactory conclusion of the HRA that the proposed development would not result in a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC.

1. Existing and proposed levels across the site including details of all retaining structures.
2. Implementation of LEMP.
3. Lighting strategy to include bat friendly lighting.
4. No lighting during construction
5. No ground/clearance works in bird nesting season.
6. Removal of permitted development rights parts 1&2
7. No works to take place prior to reptilian relocation strategy being approved.
8. Landscape in line with suggestions from Arboricultural Officer
9. Landscape implementation/Replacement planting
10. Materials
11. Boundary treatment between dwellings
12. Implementation of parking
13. Retention of garages for parking

14. Implementation of drainage strategy and attenuation basin
15. Implementation of mitigation measures suggested in the Ecological Assessment

Relevant Policies

-