

Application Number

P/2016/0633

Site Address

Hoburne Ltd
Grange Court Holiday Centre
Touring Section (Woodland Glade)
Grange Road
Paignton
TQ4 7JP

Case Officer

Mr Alexis Moran

Ward

Goodrington With Roselands

Description

Redevelopment of touring section (Woodland Glade) to holiday static caravans with 12 month holiday season

Update

At the DMC meeting on 11.12.2017 this application for the addition of 29 static caravans was recommended by the case Officer for approval and was subsequently unanimously approved by Members, subject to conditions.

Following the meeting an objection from the Environment Agency (EA) was received. As the site is within Floodzone 2 and the application is a Major Planning Application, by reason of the site area, the EA are a statutory consultee.

As the original officer report to DMC advised that there was no objection on drainage grounds, it is necessary to inform the DMC of the EA objection and for the application to be considered with an amended recommendation.

The objection from the EA is as follows;

“Whilst we support the proposed Developer Recommendations, as detailed in section 8 of the Flood Risk Assessment, we do raise the fact that the risk of flooding due to blockage of the culverts, these being culverts within and downstream of the site, has not been appraised. It is possible that a volume of water could accumulate within the site to a level and depth that would render the proposal unsafe.

In light of the above we advise that the applicants Flood Risk Assessment be revised to take into account the circumstances that can dictate the above scenario with a view to determining the likely maximum water level that could arise before waters could flow downstream away from the site.

This should not require the production of a hydraulic model, rather the gathering of survey evidence to quantify ground and culvert levels within, and downstream of the site and then portraying the findings in a format that demonstrates the potential maximum level of ponding that could occur.”

Subsequently the further information required to overcome the objection from the EA has been requested from the applicant. This information and confirmation from the EA of the withdrawal of their objection will be required prior to the issuing of the decision notice.

Updated Recommendation

Subject to the receipt of additional drainage information as requested by the EA in their consultation response date 18.12.2017 and confirmation from the EA of the withdrawal of their objection, conditional approval with final drafting of conditions to be delegated to the Executive Head for Assets and Business Services.

Previous Officer report to DM Committee on 11.12.17[AH1]

Executive Summary/Key Outcomes

The development site, relates to an area known as Woodland Glade which is located to the south of Grange Court Holiday Centre, Grange Road, Paignton. The site area is approximately 1.5ha. The wider site is an existing 22 hectare acre holiday park.

It is surrounded by woodland, to the south, set up at a higher level, are properties in Fairlawns Park and to the east there is a golf driving range.

The site is designated as being within a Core Tourism Investment Area in the Torbay Local Plan. It lies approximately 6km (as a straight line) from the maternity roost at Berry Head and is therefore within the 'Sustenance Zone' for the Berry Head Component of the South Hams SAC and lies within a 'Strategic Flyway' that runs between Paignton Zoo and the coast.

The application seeks permission for the addition of 29 static caravans in an area used for touring caravans. Two types of static caravan are proposed, one which is 12m long by 6.1m wide and one which is 12m long by 4.3m wide. Each pitch would be sited on a concrete hardstanding base with two parking spaces. The parking spaces and internal access road would be finished with tarmac. The proposal will require the removal of 11 trees.

The proposal is deemed to cater for the current demand for improved holiday accommodation within a site which has good quality facilities. The provision of improved tourist facilities will help attract new visitors which, it is considered, will in turn provide an economic benefit to Torbay. The proposal therefore complies with Policy TO1 of the Torbay Local Plan 2012-2030 and accords with the site's designation in the Local Plan as a Core Tourism Investment Area.

The site will not be highly visible from the wider area as it is set down at a lower level than the land around it and is well screened by trees and woodland. Internally the character of the existing area will inevitably be altered by the addition of the static caravans which will be permanent fixtures. However this impact can be minimised by a landscaping scheme which would address the loss of the 11 trees and which integrates with the layout and existing landscape.

As the site lies on the western edge of the Greater Horseshoe bat sustenance zone and is partially within a strategic highway a HRA screening was undertaken. The result of this was that there is not likely to be a Significant Effect alone or in combination with other proposals or projects, on the Berry Head Component of the South Hams SAC. This conclusion is subject to the addition of appropriate conditions.

Recommendation

Conditional approval with final drafting of conditions to be delegated to the Executive Head for Assets and Business Services.

Statutory Determination Period

The decision on this application was due on 26.06.2016. Due to the requirement for updated ecological and arboricultural information and an HRA the proposal has exceeded this date. The applicant has agreed to an extension of time.

Site Details

The site relates to Grange Court Holiday Centre (Woodland Glade), Grange Road, Paignton. The total site area occupied by the holiday camp is 22ha. The site is accessed by a road connected to the centre of the holiday park.

The development site, relates to an area known as Woodland Glade which is located to the south of Grange Court Holiday Centre, Grange Road, Paignton. The site area is approximately 1.5ha. It is surrounded by woodland, to the south, set up at a higher level, are properties in Fairlawns Park and to the east there is a golf driving range.

The site is designated as being within a Core Tourism Investment Area in the Torbay Local Plan.

Detailed Proposals

The application seeks permission for the addition of 29 static caravans in an area used for touring caravans. Two types of static caravan are proposed, one which is 12m long by 6.1m wide and one which is 12m long by 4.3m wide.

Each pitch would be sited on a concrete hardstanding base with two parking spaces. The parking spaces and internal access road would be finished with tarmac.

The extent of the hardstanding surface would not encroach closer to the woodland boundary than the existing infrastructure.

The static caravans are intended to be operated for a holiday use for 12 months of the year.

Summary Of Consultation Responses

Drainage Engineer - No objection subject to the implementation of the submitted drainage scheme.

Arboricultural Officer -Recommends approval on arboricultural merit subject to the scheme

being implemented in accordance with the submitted details.

Highways - no objection

Ecological consultant - subject to the incorporation of suitable mitigation measures the HRA Screening Assessment advises that the development is not likely to have a Significant Effect on the South Devon SAC alone or in combination with other proposals or projects.

Summary Of Representations

None.

Relevant Planning History

P/2016/0625 - Redevelopment Of touring section (Hill View) to holiday static caravans for 12 month holiday season, the proposal is for 29 static caravans; Pending consideration

Key Issues/Material Considerations

The key issues in relation to the proposed development are the impact it would have on, the visual appearance of the area, tourism, ecology, highways, drainage and landscaping.

Visual appearance

The site is well screened on all boundaries by existing trees and woodland. The proposal would result in the loss of 11 trees however it is not considered that this would significantly open up the site visually from the wider area. There is also the opportunity to strengthen the exciting boundary planting through the submission of landscaping details via condition.

As the properties in Fairlawns Park are sited at a significantly higher level than the site, it is not considered that the addition of the static caravans would be detrimental to their outlook. The relationship between these properties and the static caravans would be similar to the current relationship with the touring caravans that use the site. The proposal is deemed to comply with Policies DE1 & DE3.

Tourism

The site is within a Core Tourism Investment Area. Policy TO1 (Tourism, events and culture) of the Torbay Local Plan 2012-2030 aims to enhance its role as a premier tourism destination. In order to do this tourist facilities and accommodation will require improvement and modernisation to attract new visitors, particularly overnight visitors and increase overall spend.

The Council wishes to see the quality of accommodation improved with a wider range of new and refurbished facilities and services supporting, in principle, the improvement of existing and provision of new tourist accommodation and attractions; subject to other Policies.

The NPPF deals with tourism development in its rural policy paragraph 28 which notes:

To promote a strong rural economy, local and neighbourhood plans should support

sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.

The Local Plan advises that Torbay is seeing increased visitor numbers and value, lengthening of the tourism season, increased spend, increased occupancies and overnight stays, growth in overseas visitor numbers and new tourism related development.

This is backed up by visitor spend in Torbay which in 2011 was 8% higher than in 2006. Torbay's Tourism Strategy Turning the tide for tourism in Torbay, 2010-2015 states that in 2007 holiday parks in Paignton provided 5,800 of the total 18,500 bed spaces. Changing expectations mean an increasing number of visitors want to spend their holiday in good value, high quality modern accommodation.

The applicant wishes to cater for current trends in tourism as previously stated a demand for improved holiday accommodation is apparent and recent years have seen a reduced demand for touring pitches.

It is considered that the proposed static caravans provide an improved form of tourist accommodation within a site which has good quality facilities and a range of accommodation making good use of an area currently underutilised.

No details on whether the proposed caravans will be let or sold have been submitted. If they are to be sold, in order to encourage maximum levels of occupancy it is good practice to ensure that the holiday park operator promotes a sub-letting service. This can be achieved by imposing a condition to this effect on the grant of planning permission.

The proposal is deemed to help deliver the key requirements of Policy TO1 and complies with para. 28 of the NPPF, by providing improvements to the facility and helping attract new visitors; thus providing an economic benefit to Torbay. It is therefore considered that the proposal is compliant with Policy TO1 of the Torbay Local Plan 2012-2030.

Ecology

The site is within a Greater Horseshoe Bat 'Strategic Flyway' that runs between Paignton Zoo and the coast. Accordingly Torbay Council undertook an HRA. The HRA Screening Assessment advised that the development is not likely to have a Significant Effect on the South Devon SAC alone or in combination with other proposals or projects subject to the following mitigation measures for greater horseshoe bats which should be secured through the imposition of conditions;

- o Provision of a Dark Areas Map/Plan to show areas of the sites that will remain at or below 0.5 lux.*
- o Provision and implementation of a Construction Environmental Management Plan (CEMP) to address all necessary construction related mitigation including that required to protect breeding birds, reptiles and badgers (e.g. in accordance with BS42020; clause 10);*

- o *Provision and implementation of an Ecological Management and Enhancement Plan (EMEP) to secure long-term effective habitat management on site (e.g. BS42020; clause 11.1). This plan should also provide details for lighting design and installation (in accordance with the BSG recommendations in the EclA on page 23) to demonstrate that the proposed development can be implemented so that adequate areas that are to remain dark (e.g. with light levels less than 0.5 lux) can be achieved effectively.*

The submitted ecological appraisal for this site advises that a badger sett was located within the woodland. However it states that the sett will not be affected by the scheme as the woodland provides an adequate buffer and would mitigate the effects of increased human disturbance. It is recommended that measures to protect badgers from accidental injury are adopted as part of a submitted EMEP.

Highways

Policy TA3 (Parking requirement) states that 1 parking space per chalet/lodge should be provided. The submitted layout plans confirms that two spaces per static caravan will be available which confirms that this standard will be met.

Drainage

The site is partially within flood zones 2 & 3. The proposed surface water system comprises of a combination of pipe networks and various SuDS features to ensure that surface water run-off from impermeable areas is properly managed. A drainage strategy and hydraulic calculations for the development have been submitted and deemed to be acceptable.

The Council's Drainage Engineer has confirmed that, providing the development is constructed in accordance with the submitted drainage strategy, there would be no objections on drainage grounds to planning permission being granted. It is considered that a condition confirming this is necessary.

Landscaping

The proposal would result in the loss of 11 trees, the Council's Arboricultural Officer has not objected to this loss. There is however the need to create a detailed landscape plan to address tree loss and integrate the proposed development into the existing landscape. It is considered that this should be required via a landscaping condition. The proposal is deemed to comply with Policy C4 in principle and mitigation planting has the potential to improve the natural features of the site.

The land to the north, west and south of the site is allocated as being within an Urban Landscape Protection Area (ULPA). The site is outside of the Urban Landscape Protection Area and it is not considered that the proposal would undermine it as an open landscape character. The proposal would comply with Policy C5.

There is an opportunity for a landscaping scheme to strengthen the character of the boundary of the site and the ULPA.

Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights.

In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance

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

Local Finance Considerations

CIL

CIL:

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

S106

A contribution towards monitoring the holiday use of the units for a period of 5 years is required which equates to £720.00 based on 4 hours of monitoring per year has been paid via a unilateral undertaking.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

Conclusions

The proposed development would be consistent with Policies TO1, NC1, TA3, ER1, ER2 and C5 of the Torbay Local Plan 2012-203. The proposal is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations, subject to the conditions itemised below;

- o The works shall be undertaken in accordance with the submitted Tree protection plan and special methodology for construction adjacent to trees to be retained.*
- o Detailed landscaping plan to include, but not be limited to, detailed watering prescription per tree type/ size, tree pit design, staking (2 stakes and cross bar), mulching, tie adjustment and formative pruning.*

- o *Landscaping to be implemented and retained*
- o *Provision of a Dark Areas Map/Plan to show areas of the sites that will remain at or below 0.5 lux.*
- o *Provision and implementation of an Ecological Management and Enhancement Plan (EMEP) to secure long-term effective habitat management on site.*
- o *Provision and implementation of a Construction Environmental Management Plan (CEMP) to address all necessary construction related mitigation including that required to protect breeding birds, reptiles and badgers.*
- o *Clearance of any potential bird nesting habitat should only be undertaken outside of the bird nesting season (undertaken between September and end of February) or following confirmation immediately prior to clearance from a suitably qualified ecologist that no nesting birds are present. If a nest(s) is found, works will have to be delayed until young birds have fledged and the nest(s) is inactive.*
- o *Details of cycle store to be submitted for approval and then implemented*
- o *Implementation of parking areas prior to occupation of chalets*
- o *Implementation of bin store area prior to occupation of dwellings*
- o *The development shall be undertaken in accordance with the submitted drainage details.*
- o *The approved accommodation shall be for holiday use only and not for permanent residential occupation.*
- o *The maximum number of 29 static caravans shall be stationed on the application site at any one time and in accordance with the approved layout.*
 - *Details of all boundary treatments.*
 - *Details of all external lighting*
 - *Details of external materials*
 - *Provision of a subletting service*
 - *Green travel packs.*

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

- DE1 - Design
- DE3 - Development Amenity
- TO1 - Tourism, events and culture
- C4 - Trees, hedgerows and natural landscape
- C5 - Urban landscape protection areas
- NC1LFS - Biodiversity and Geodiversity
- ER1 - Flood Risk
- ER2 - Water Management
- TA3 - Parking requirements