

Application Number

P/2018/0579

Site Address

Hoburne Ltd
Grange Court Holiday Centre
Grange Road
Paignton
TQ4 7JP

Case Officer

Mr Alexis Moran

Ward

Goodrington With Roselands

Description

Use of land for static holiday lodge caravans.

Executive Summary/Key Outcomes

The development site, relates to two fields within the Grange Court Holiday Centre, Grange Road, Paignton. The site areas combined are approximately 1.3ha. The wider site is an existing 22 hectare acre holiday park.

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 Special Area of Conservation (SAC) and lies within a 'Strategic Flyway' that runs between Paignton Zoo and the coast.

The application seeks permission for the addition of 35 static caravans in two areas of the site 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. Both areas proposed for the siting of the caravans would benefit from additional tree planting as part of the application.

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 is likely to help attract new visitors to the area 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.

As the site lies on the western edge of the Greater Horseshoe bat sustenance zone and is partially within a strategic highway an Habitats Regulations

Assessment (HRA) screening was undertaken. This led to an Appropriate Assessment which concluded that, subject to mitigation measures secured by condition, the development would not adversely affect the integrity of the South Hams SAC alone or in combination with other proposals or projects.

Recommendation

Subject to the completion of a legal agreement/unilateral undertaking to secure a contribution towards monitoring of the holiday use, planning permission to be granted subject to the conditions detailed below, with the final drafting of conditions, and addressing any further material considerations that come to light, to be delegated to the Assistant Director for Planning and Transport.

Site Details

The site relates to Grange Court Holiday Centre, 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 consists of two fields One of the fields (Area A) is located on the western side of the holiday park, whilst the other (Area B) is located in the northern part.

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 thirty-five static caravans. Seven are to be sited in Area A is approximately 0.25ha in area. The remaining twenty-eight static caravans are to be sited in Area B, which is approximately 1.08ha in area. The two fields in question are currently used as amenity space.

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 proposed parking spaces and additional internal access roads would be finished with tarmac.

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

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

Material Considerations

- Emerging Brixham Peninsula Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary Of Consultation Responses

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

Arboricultural Officer - No objections

South West Water - The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable

Highways - No objections.

Ecological consultant - subject to the incorporation of suitable mitigation measures the HRA Screening Assessment and consequent Appropriate 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

No representations have been received from the general public.

Relevant Planning History

P/2016/0633 - Redevelopment of touring section (Woodland Glade) to holiday static caravans with 12 month holiday season; APPROVED 06.07.2018.

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; APPROVED 12.01.2018.

Key Issues/Material Considerations

Principle of Development

The site is within a Core Tourism Investment Area. Policy TO1 (Tourism, events and culture) of the Local Plan aims to enhance Torbay's 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 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, with the demand for improved holiday accommodation, 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 an established holiday park, which has benefits from a range of tourism-related facilities.

The proposal is deemed to help deliver the key requirements of Policy TO1 and complies with para. 83 of the NPPF, by providing improvements to an existing 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 Local Plan.

Visual Impact

Policy DE1 states that development should be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and buildings of historic interest. Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Area A is well screened on its western boundary by existing trees, additional tree planting is proposed to its north, east and west boundaries. The site is located in

a somewhat elevated part of the site.

Area B is presently screened on its north, east and west boundaries by existing trees with additional tree planting proposed on its southern boundary and within the site to break up the form of the proposed static caravans.

The addition of a landscaping condition is deemed necessary to ensure the planting and retention of the proposed trees on areas A & B.

The addition of permanent structures in these areas of the site would alter their character. However it is considered that the addition of static caravans in these locations, with additional tree planting, would be a suitable form of development within the holiday park and would not be visually detrimental when viewed from the wider area. In order to ensure the appearance of the caravans is acceptable, a condition requiring an external materials schedule is deemed necessary.

Subject to the aforementioned landscaping and external materials conditions, the proposal is deemed to comply with Policy DE1 & C4.

The proposal would result in the loss of at least three trees over the two sites. The Council's Arboricultural Officer has not objected to this loss. Significant planting is proposed in mitigation and in order to screen the proposed sites from wider views. 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 considering the existing situation, the proposal's location within a wider, existing holiday park, and the proposed landscaping works. The proposal would comply with Policy C5.

The proposal is considered to be in accordance with Policies C4, C5, and DE1 of the Local Plan.

Amenity

Policy DE3 refers mainly to residential amenity, the proposals will have limited impact on the amenity of neighbouring residential properties given the closest is in excess of 250 metres away.

With regards to Policy TO1, although the development would result in the loss of areas used for amenity space. The proposal would improve the existing tourism offer of the site and it is within easy walking distance of public greenspace and a

short distance from Goodrington Sands beach.

The development would be acceptable in terms of amenity when considering Policies DE3 and TO1.

Ecology

The Conservation of Habitats and Species Regulations 2010 imposes on local authorities the duty imposed by the EU Habitats Directive to ensure that plans or projects will not adversely affect European Sites such as SACs. In order to fulfil this duty, the authority must carry out a Habitats Regulations Assessment (HRA) process.

An HRA screening was undertaken on the site which concluded that, in view of the fact mitigation measures are required to avoid or reduce any likely significant effects identified in the HRA Screening Assessment, there is likely to be a Significant Effect on the greater horseshoe bat features - alone or in combination with other proposals or projects.

Consequently, the application was subject to Appropriate Assessment to determine whether there is likely to be an adverse effect on the 'integrity' of the South Hams SAC. The Appropriate Assessment concluded that, subject to mitigation measures secured by condition, the development would not adversely affect the integrity of the South Hams SAC alone or in combination with other proposals or projects. These conditions relate to the submission of a Landscape Ecological Management Plan (LEMP), a Construction Ecological Management Plan (CEMP), a program of Ecological Monitoring and a condition to retain the Dark Areas and external lighting in accordance with the submitted Ecological Appraisal (BSG Nov 2018).

Highways

Policy TA3 (Parking requirement) states that 1 parking space per static caravan should be provided. The submitted layout plans confirm that two spaces per static caravan will be available, which confirms that the required standard will be met. The proposal would make use of established access arrangements onto the public highway and it is considered that the proposal would not result in any detriment to highway safety or amenity.

Drainage

The site is within flood zone 1. 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 and, and subject to this, the proposal is in accordance with Policy ER1 of the Local Plan.

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

The CIL liability for this development is Nil.

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.

Proactive Working

In accordance with 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 and the completion of a legal agreement.

Condition(s)/Reason(s)

01. External lighting equipment will be installed and maintained in full accordance with the proposals and specifications set out in the Lighting Impact Assessment (Appendix 2 of the Ecological Appraisal) and Ecological Appraisal (BSG Nov 2018) and external light spill from the development during its operational life shall not exceed above 0.5 lux in the areas specified in the Dark Areas Map for Site Area A and B within Appendix G of the Lighting Impact Assessment (Appendix 2 of the Ecological Appraisal).

Reason: To ensure that there are no adverse effects arising from light spill that could otherwise disturb commuting and foraging bats and that would constitute an adverse effect on the integrity of the Berry Head component of the South Hams SAC and/or an offence under Regulation of the Habitat and Species Regulations 2010.

02. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be prepared in accordance with specifications in BS42020; clause 10.2 and shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
 - e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that there are no adverse effects arising from light spill that could otherwise disturb commuting and foraging bats and that would

constitute an adverse effect on the integrity of the Berry Head component of the South Hams SAC and/or an offence under Regulation of the Habitat and Species Regulations 2010. These measures are required prior to commencement to ensure that ecological features on the site are not unduly harmed.

03. Prior to occupation a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include the following
- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To ensure that there are no adverse effects arising from light spill that could otherwise disturb commuting and foraging bats and that would constitute an adverse effect on the integrity of the Berry Head component of the South Hams SAC and/or an offence under Regulation of the Habitat and Species Regulations 2010. These measures are required prior to commencement to ensure that ecological features on the site are not unduly harmed.

04. Prior to the occupation of any of the caravans hereby approved, a monitoring strategy shall be prepared with the purpose 'provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary'. The strategy will be prepared in

accordance with the specifications in BS42020; clause 11.2.3 and shall include the following;

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of development (including light levels within the dark areas);
- c) Appropriate success criteria, thresholds, triggers and targets against which the continued effectiveness of the bats' commuting routes can be judged;
- d) Methods for data gathering and analysis (to include appropriate bat surveys and light monitoring);
- e) Location of monitoring/sampling points;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Contingencies and remedial measures that will be triggered should monitoring detect a change in site conditions;
- i) Review, and where appropriate, publication of results and outcomes. A report describing the results of monitoring shall be submitted to the local planning authority at intervals as identified in the Strategy. The report shall also set out where the results from monitoring show that site conditions are changing and consequently how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning bat commuting routes associated with the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To ensure that there are no adverse effects arising from light spill that could otherwise disturb commuting and foraging bats and that would constitute an adverse effect on the integrity of the Berry Head component of the South Hams SAC and/or an offence under Regulation of the Habitat and Species Regulations 2010.

05. The works hereby approved shall be undertaken in full accordance with the submitted Tree Constraints, Impact Assessment & Tree Protection Method Statement (ref: BJU-mmi received 31.05.2018), the submitted Tree Retention & Protection Plan (ref: DEVBYTRP received 31.05.2018) & the submitted Root Protection Area Plan (ref: DEVBYRPA received 31.05.2018). The Construction Exclusion Zone fences and Horizontal Ground Protection indicated in the Tree Constraints, Impact Assessment & Tree Protection Method Statement (ref: BJU-mmi received 31.05.2018), shall be installed before construction materials or plant enters the site and shall be retained at all times throughout the construction phase.

Reason: In the interests of the amenities of the area and in order to accord

with Policies C4, DE1 and NC1 of the Torbay Local Plan 2012-2030

06. Prior to the first use of the caravans hereby approved, details of all proposed hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with Policies C4, DE1 and NC1 of the Torbay Local Plan 2012-2030

07. 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 have to be delayed until young birds have fledged and the nest(s) is inactive.

Reason: To ensure no harm to breeding birds in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and paragraphs 109 and 118 of the NPPF. The reasons why the works must be carried out during the bird breeding season are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

08. Prior to the occupation of the caravans, full details (to include plans and elevations to an identified scale) of suitable secure and covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall then be implemented in full as approved prior to the first occupation of any of the lodges hereby approved and retained at all times thereafter.

Reason: To ensure that there are adequate cycle storage facilities available to meet the needs of future occupiers of the site and to accord with policy TA3 of the Torbay Local Plan 2012-2030.

09. Prior to the first use of the caravans hereby approved, the parking facilities shown on approval layout plans 1478-AA-019 & 1478-AB-019 (received

30.05.2018) shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved plans.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 Implementation of bin store area prior to occupation of dwellings

10. The development shall be undertaken in strict accordance with the submitted drainage details (ref 01B804053 001, 01B804053 001 Rev 1 & P2018-0579-3) and retained as such at all times thereafter.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF

11. No more than 7 static caravans shall be sited within Area A, and no more than 28 static caravans shall be sited within Area B at any one time.

Reason: To ensure that the holiday accommodation is used for holiday purposes only to accord with policy TO1 of the Torbay Local Plan 2012-30.

12. Prior to the first use/occupation of the caravans hereby approved, full details (including elevations and plans to an identified scale and details of materials) of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment details shall be implemented prior to the first use/occupation of the caravans and retained as such at all times thereafter.

Reason: In the interests of amenity and design in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

13. Prior to the installation of any static caravans on the site, a full external material schedule to include details of colour and texture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the area in accordance with policy DE1 of the Torbay Local Plan 2012-2030.

14. Green travel packs shall be made available to all guests of the mobile holiday accommodation, with the packs at least including clear and precise information on all local bus, walking, cycling and ferry services / routes.

Reason: To ensure that there are adequate facilities included within the scheme to meet the needs of cyclists and to help deliver more sustainable means of transportation in accordance with policy TA3 Appendix F of the Torbay Local Plan 2012-2030.

15. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Class A of Part 2 of Schedule 2 (which includes gates, fences and walls) shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected. This is in accordance with Policies DE1 and C1 of the Torbay Local Plan 2012-2030.

17. The holiday accommodation hereby approved shall be for holiday use only and not for permanent residential occupation and shall not be occupied as a person's sole or main residence. Following the first occupation of the first unit the on-site manager of the facility shall at all times maintain a register of the names of all the owners/occupiers of the holiday accommodation hereby approved and of their home addresses, and shall make this information available at all times to the Local Planning Authority.

Reason: To ensure that the holiday accommodation is used for holiday purposes in accordance with Policies TO1 & DE3 of the Torbay Local Plan.

18. Prior to the addition on site of any caravans hereby approved, detailed plans shall be submitted to the Local Planning Authority for its approval in writing, showing the datum levels for the bases upon which each caravan is to be positioned and the highest point of the roof of each caravan in relation to an agreed fixed point or O.S. datum. The development shall be carried out in accordance with the approved plan and shall be retained as such at all times thereafter.

Reason: To ensure that adequate information is available about the height of the caravans, and to ensure that this does not unduly affect the nature of the surrounding area in accordance with policies DE1, DE3 & C5 of the Torbay Local Plan 2012-2030.

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