



Friday, 1 March 2013

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 11 March 2013

commencing at **2.00 pm**

The meeting will be held in the **Parkfield, Colin Road, Paignton, TQ3 2NR**

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Anne Mulholland, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Declarations of Interests**

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

3. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

4. **P/2013/0019/MPA Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm**

(Pages 1 - 32)

Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.(Revised Scheme) THIS IS A DEPARTURE FROM THE LOCAL PLAN

5. **P/2013/0034/MRM Churston Golf Club Site, Dartmouth Road, Brixham** (Pages 33 - 40)
Formation of 42 extra care flats and communal facilities with associated landscaping and parking. Revised plans received showing revised design and layout.
6. **P/2012/1338/HA 37 Long Wools, Paignton** (Pages 41 - 43)
Alterations and additions to form first floor bedroom and en suite accommodation.
7. **P/2012/1351/MRM Land At Yannons Farm, Off Brixham Road, Paignton** (Pages 44 - 51)
Approval of reserved matters (scale, appearance, layout, access and landscaping) for 56 dwellings (Phase B).
8. **P/2013/0112/VC Unit 10 Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 52 - 57)
Removal of condition 1 to application P/2003/0571/PA and condition 1 to application P/2004/0038/PA to change from holiday let to residential permanent use.
9. **P/2012/1103/PA Woodah, 377 Babbacombe Road, Torquay** (Pages 58 - 62)
Formation of new house in grounds of existing house with vehicular and pedestrian access off Lydwell Park Road.
10. **P/2013/0041/PA Firsleigh, Higher Warberry Road, Torquay** (Pages 63 - 71)
Erection of a dwelling with vehicular and pedestrian access to Sutherland Road on land adjacent to Firsleigh.
11. **P/2013/0046/PA Headland Hotel, Daddyhole Road, Torquay** (Pages 72 - 84)
Excavation of land up to a depth of a metre to create a 20 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities.
12. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
13. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 6 March 2013. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Agenda Item 4

Application Number

P/2013/0019

Site Address

Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham

Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm

Case Officer

Mrs Helen Addison

Ward

Churston With Galmpton

Description

Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.(Revised Scheme)
THIS IS A DEPARTURE FROM THE LOCAL PLAN

Executive Summary/Key Outcomes

This is a revised application for the relocation of the Golf Club House following refusal of a previous proposal to re-site the Club House in the AONB. The application also includes the provision of additional golf course holes on land within the AONB to replace those that are to be lost through the consent to construct dwellings on the existing 1st and 18th holes.

This revised scheme, in moving the clubhouse and associated infrastructure outside of the AONB, has the potential to overcome the adverse effect of the development on ecology and the character of the AONB. However, this case has not yet been proven by the applicant.

It is considered that the revised design of the Club House, following the resubmission of the application in January 2013, has resolved detailed design concerns and would as such be more sensitive to the semi rural location of the site. It is noted that the clubhouse building would still have a visual impact on the appearance and character of the area. However, this visual impact has to be balanced against the overall social,

environmental and economic benefits that would result from granting planning permission.

There are a number of unresolved issues that are fundamental to the determination of the application (highways, ecology, S106) without these being satisfactorily resolved the application in its current form is unacceptable and therefore recommended for refusal.

Recommendation

Refusal (reasons as end of report).

Target Date

The 13 week target date for determination of this application is 8th April.

Site Details

This application relates to two separate sites;

Site 1 comprises an area measuring approx. 180 metres by 130 metres (approx. 1.2 hectares) situated on part of the fairway to the 9th hole of the golf course, to the north of Bascombe Road and opposite the junction of Bascombe Road and Bridge Road. It is covered with grass with an area of trees to the north. The site slopes gently to the north and north east.

The surrounding area is used by the golf club, and in both residential and agricultural use. There is a small access road on the western side of the site that provides vehicular access to a number of dwellings and a pedestrian link to the Broadsands area. Bascombe Road runs along the south west boundary of the site. The site is visible in the street scene from both Bascombe Road and Bridge Road.

In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. Bascombe Road is shown as being a cycle route.

Site 2 relates to 15.4 hectares of land to the north east of Churston Court Farm. The site area is divided into;

- 7.7 hectares of land in existing agricultural use
- 1.3 hectares of land in equine use

- 6.4 hectares of land currently used as part of the existing golf course.

The land is currently used as golf course land, agricultural land and in equine use. The ground levels on the site slope in both north easterly and south easterly directions, forming a valley. There are a number of hedges and trees on the site. There is currently pedestrian access onto the golf club land from the existing greenkeepers yard off Links Close.

Surrounding the site to the north and east is golf club land. Land to the south is in agricultural use. To the east is Churston village. Churston Court Farm, which contains a number of Grade II Listed Buildings, adjoins the part of the western boundary.

In the Torbay Local Plan 1995-2011 the site is designated as being within the Countryside Zone, Coastal Preservation Area, AONB, the south western part of the site is within the Churston Conservation Area and there is a wildlife designation. A small area of the site adjacent to Green Lane contains a sycamore and Lime tree covered by TPO 1970.01.

Detailed Proposals

Site 1

This part of the application is for a new golf club house, coaching facilities, a new access and car park.

The proposed building would be predominantly two storeys in height and would have an L shaped footprint. At ground floor level there would be offices, meeting rooms, a pro shop and changing rooms. In a single storey element of the building there would also be two coaching rooms and a buggy/cycle store. These single storey elements would be accessed externally and there would be no internal link from the main building.

At first floor level the following is proposed; lounge, dining room, bar and two terrace areas. The building would be part dug into the ground resulting in the entrance being at an intermediate level with users either going down half a storey to the pro shop, changing and administrative space, or going up half a storey to all the social functions of the building.

The proposed clubhouse would have a floor area of 1,423 sqm (1,306sqmGIA). In comparison the current clubhouse building has an approximate gross internal floor area in excess of 1,000sqm (the ground floor footprint of which occupies 734 sqm GIA).

It is proposed to finish the building in natural limestone and Siberian larch vertical boarding. The roof would be a green roof with sedum planting. The balconies would be bounded by toughened glass with a timber rail. Windows would be aluminium powder coated and rainwater goods, eaves and soffits would be finished in zinc.

125 car parking spaces are proposed on the southern side of the clubhouse, with additional land available for overspill parking. The applicant has been requested to utilise materials and design to provide a parking area with an informal character. The surface area for parking has been revised to grasscrete and minimal bay delineation has been agreed. Details of the surface material for the circulation areas in the car park are still awaited.

This part of the application also includes provision for a new Lee Westwood Coaching facility. This would be a formal Golf School run as part of the Golf Club which would provide;

- 10 Gap year students on site for 37.5 hour week with occasional visits by lecturers
- Up to 30 summer students staying locally for 4-8 weeks with occasional visits by lecturers
- Up to 50 1-2 Corporate and Private Golf breaks across the year, with on average 6 persons per break

Vehicular access to the car park would be from the road that runs across the golf course. The access to the car park would be curved to avoid a direct line of sight from Bascombe Road into the car park.

As part of the application it is proposed to widen the access road onto Bascombe Road as there is currently limited visibility at this junction. This would involve rebuilding the stone posts that are on either side of the entrance. There would also be some alteration to the alignment of Bascombe Road. Effectively the carriageway of Bascombe Road would be moved to the north east in part onto the golf club land. To maintain the carriageway width a raised grass bank would be formed on the south west side of the carriageway.

In the Transport Assessment the applicant has offered the following as part of the application;

- to fund an improvement to the junction of Bridge Road and Dartmouth Road that would provide a new left hand turn lane, and;
- to fund a footpath adjacent to Bridge Road from Dartmouth Road to Bascombe Road.

Site 2

The second part of the application proposes to change 7.7 hectares of agricultural land to land used as part of the golf course. It will be used to form three tees, fairways and greens to provide 3 new holes. The creation of the new golf holes will include the creation of two wetland areas and other limited ground re-profiling works to form the new fairways. The site also includes 6.4 hectares of land that is currently in use as existing

golf course, which will be used as a golf practice and coaching area.

Included in the application is 1.3 hectares of land currently used as equine grazing. This would be changed to use for cattle grazing. In addition an off-site area of 4.35 ha/10.76 acres would be managed for replacement grazed pasture. This land is currently used for silage/hay and aftermath grazing.

A Landscape and Ecological Management Plan for the entire golf course is also included, with the detailed measures to be agreed as a plan for the management of the whole of the golf club land. This is because the extension of the golf club into farmland would result in the loss of areas of existing cattle grazed pasture, which is important for foraging Greater Horseshoe Bats and these measures would provide ecological mitigation to offset the impact of the proposed development.

The proposal also includes new planting of native trees, shrubs and hedge banks. New bat roosts are proposed to be installed in the existing sheep croft and lime kilns.

Summary Of Consultation Responses

Brixham Town Council: Recommend refusal on the grounds of Highways and traffic concerns, 106 agreement and the fact that it is in an AONB.

SWW: No objection in terms of capacity within our infrastructure to serve the development proposal.

EHO: No objection to the actual development, but has concerns over the noise from club members and customers using the car park and the potential for a detrimental on the neighbouring residents. The particular concerns highlighted are:

- 1) noise during the early hours of the morning and late evenings, and;
- 2) potential for noise breakout from the premises arising as a result of the functions held at the premises.

As a result of these environmental health concerns the officer has recommended conditions relating to sound insulation in the building, a restriction on delivery times (only between 08:00 and 18:00) and the provision of an acoustic barrier.

Environment Agency: No objection to the proposals and endorse the principle of using infiltration techniques as a means of managing surface water runoff. Given the low density of development there would be scope to provide alternative features should infiltration alone not be adequate to manage the runoff to current standards.

Archaeological Officer: Agrees with the recommendation in the archaeological assessment that mitigation in some form is carried out during or prior to construction in the clubhouse area. This can be addressed by condition.

Sport England: Have provided 'in principal' consent for the proposal to go ahead due to a net increase in usage for the Golf course and facilities. States that a bigger pavilion and increased coaching areas, are in the best interest of sport and long term sustainability of the Club. Sport England have agreed that the terms and conditions of the original award (of £273,744 in 1997) will be extended for a further 21 years and covered by a new Community Use agreement, from the date of the relocation to the new facilities. It is noted by Sport England that this secures the use of the new clubhouse for existing and new users and will directly benefit the local community that the club serves.

CPRE: Objects to the proposal on the following grounds; the prominent location is incompatible and injurious to the rural nature of Churston, the access is very poor and would create intolerable extra traffic in the area and it would have an adverse impact on residents and tourists as the golf club house would be the 'wrong' side of Bascombe Road requiring all traffic to cross or pass through the already hazardous junction with Bridge Road.

Drainage engineer: Requests further information in order to check the design of the surface water drainage system.

Highways: No objection in principal. Requests the receipt of further information.

Natural England: Site 2 is sensitive to impacts upon foraging and commuting habitats of the Greater Horseshoe Bats. Concern is expressed about the loss of hedgerows on the site. It is specifically requested that the Construction and Environmental Management Plan (CEMP), Landscape and Environmental Management Plan (LEMP), and S106 are finalised in advance of a decision by the Council. Furthermore it is requested that all mitigation works are implemented in advance of predicted impacts to reduce detrimental effects. Requests that due consideration be given to comments from the AONB unit. Expects the Local Planning Authority (LPA) to assess and consider possible impacts resulting from this proposal on;

- Local sites (biodiversity and geodiversity)
- Local landscape character
- Local or national biodiversity priority habitats and species.

RSPB Requests that the Construction and Environmental Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP) should be drawn up and agreed before a decision is made on the application. Support for comments of NE in regard to the importance of retaining hedge networks on site and the necessity of replacement vegetation. Suggests the new clubhouse building should make provision for nest sites for birds. It is noted that the proposed golf club extension site currently supports 5 breeding pairs of curlew buntings. Management of this site needs to maintain this regionally important population level. Appropriate habitat retention, creation and management, and a suitable CEMP and LEMP are essential to this, as well as appropriate off-site compensation habitat.

South Devon AONB Unit: Welcomes the decision to reposition the proposed clubhouse and car park to the site outside the AONB and has no objection to the proposal.

Arboricultural Officer: Recommends approval subject to a number of pre commencement conditions.

South Devon Ramblers: Objects to the proposal on the grounds that the proposal will present a significant loss of amenity and tranquillity to local walkers and the lanes around the golf club will become increasingly unsafe to walkers.

Summary Of Representations

A considerable number of letters of objection have been received. In addition, in excess of 260 letters of objection were received to application reference P/2012/1194. These are relevant to this application and should be considered in the determination of the proposal.

One letter of support has been received along with a letter from Churston Golf Club containing 235 names in support of the application. The correspondence from the Golf Club also advises that a further 75 people attending the meeting voted in favour of the application (making a total of 310 supporters from the Golf Club).

Copies of all the representations are in the Members room.

The points raised in objection to the proposals include;

- Increased risk to students leaving Churston Grammar School presented by extra traffic emerging from Bridge Road.
- The development will have an impact on Greater Horseshoe Bats and other species of birds nesting in the area.
- Loss of tranquillity in this quiet residential area
- Bascombe Road and Bridge Road are single track in places and will not be safe with the additional traffic that this proposal will attract.
- The exit off Bridge Road onto Dartmouth Road will become jammed and challenging and long tailbacks will become a problem to other road users and walkers.
- Bascombe Road and Bridge Road have no pavements meaning pedestrians face a greater hazard due to increased volume of traffic.

- The small narrow roads are unsuitable for heavy goods vehicles which will be delivering to the golf club.
- Present location of the club house is more preferable as it is located on a main road.
- We should be preserving our agricultural land so that we can produce more food locally.
- The location for the new holes is in a coastal preservation area which you, the Council, have determined should not be disturbed.
- Unacceptable use of the AONB for golf holes
- Bascombe Road and the surrounding area is susceptible to flooding.
- Light pollution
- Two highly attractive stone pillars will be removed from the entrance to the road
- The development is contrary to the local plan
- The development will destroy the exceptional landscape and architectural appeal of this “green lung” between Brixham and Paignton.
- The proposed golf club house is 40% larger than the existing club house
- The site is proximate to the sw coast path and in the middle of significant leisure walking routes.
- The application has been made without consulting the local community.
- There would be added noise, pollution and a detrimental effect to the lives of all residents in the area

The following points are raised in the letter of support;

- Proposal will secure the future of the golf club
- Improved golf club will provide a welcome boost to the tourism industry
- The new club house has been specifically designed to have a low profile and blend in with the contours of the land
- There will be no material effect on traffic volumes
- The new golf clubhouse won't change the character of the area, the area has been part of the golf course since about 1923

Relevant Planning History

The following applications are considered directly relevant to this application (historic decisions having limited weight due to the passage of time and change to legislation and policy in the intervening period);

- P/2013/0034 Formation of 42 extra care flats and communal facilities with associated landscaping and parking. Revised plans received showing revised design and layout, Churston Golf Club site-current application.
- P/2011/0829 Demolition of clubhouse, outbuildings and care park and development comprising up to 90 dwellings, 42 bed extra care scheme (use C3 extra care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (in outline), Site Of Existing Club House, First And Eighteenth Holes, Churston Golf Club, Dartmouth Road, Brixham approved 20.12.12.
- P/2012/1194 Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road
- Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.
- Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham
- Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm - Withdrawn
- 2011/0838 Change of use of agricultural land for use as a golf course; development of a clubhouse, car park and golf trolley store ; a new vehicular access and road from green lane ; a new practice area with associated small building and practice putting green; and works to form three replacement tees, fairways and greens; all associated infrastructure engineering works and landscaping THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE LOCAL PLAN, Land At Churston Golf Club, Dartmouth Road, Brixham

Refused 26.7.12 for the following reasons;

01. The applicant has failed to prove that there are exceptional circumstances to justify the proposed development of the golf club house, golf practice coaching building, parking area and access road on the site which is located within an Area of Outstanding Natural Beauty designated for its nationally important outstanding landscape quality. Furthermore, the applicant has failed to demonstrate that the proposal would be in the public interest; as such the proposed development is contrary to paragraph 116 of the National Planning Policy Framework and the policy tests set out in policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The application site forms part of the wider undeveloped countryside between Brixham and Paignton that acts as an important green wedge that separates the two towns. The proposed development would seriously harm the value of this Area of Outstanding Natural Beauty by reason of the scale of the developed area, and the increased activity and disturbance that would be generated from the relocation of the club house and ancillary development to this site. This would be detrimental to the tranquil nature of the area that is valued for its distinctive undeveloped character and which is adjacent to the historic Churston village. The development would also unacceptably compromise and erode the extent and quality of this part of the undeveloped coastal landscape. As such the development would be contrary to the objectives of paragraph 123 of the National Planning Policy and policy L1 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The proposed development by reason of its location, being remote from the public transport network, would fail to meet the Council's objective of securing a sustainable land use transportation strategy and would instead result in the reliance on travel by private car. The development in the proposed location would generate additional traffic (including servicing traffic) on the local highway network of Churston Road, Green Lane and Bascombe Road that would be likely to have a significant adverse impact on highway safety and the free flow of traffic, by reason of the narrow width of the roads, the lack of footpaths and existing vehicular congestion in the area. The proposal is therefore contrary to Policies T1, T2 and T26 in the Torbay Local Plan 1995-2011.

04. In the absence of any signed s106 legal agreement, the scheme fails to secure the provision of mitigation measures to ensure that there is no likely significant impact on Greater Horseshoe Bat foraging and commuting habitats, that are protected by the South Hams Special Area of Conservation to make the development acceptable in planning terms. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies NC1, NC5 and CF6 of the Torbay Local Plan 1995-2011 and paragraph 203 of the NPPF.

P/1999/0592PA

Continuation of use for golfers practice area etc without complying with condition 1 of consent 97.0501 (ie use to cease 1.7.99) approved 12.7.99

Condition 1 states "No more than five cars associates (sic) with the practice area should be parked adjacent to the green keeper's yard at any one time".

Key Issues/Material Considerations

The main issues are the principle of the proposed development on the two sites. On site 1 the key considerations to be addressed are the design and appearance of the building, the impact on visual amenity, the highways impact and the impact on the amenity of nearby residential properties. On site 2 the key considerations are the impact of the proposed development on the AONB, and the impact on ecology and wildlife.

The broader impact of the proposed development on the economy and (indirectly) the delivery of homes and jobs is a consideration relevant to both sites. As is the wider potential environmental benefits of the scheme associated with the proposed LEMP that is intending to cover the entire golf course area.

Site 1 -

Principle and Planning Policy -

For the majority of planning applications the "presumption in favour of sustainable development" (para.14) in the NPPF is applicable and a substantive consideration. In this case, because Site 2 is within the sustenance zone of the SAC (Special Area of Conservation) and the application includes the removal of hedgerows and a change in use of land from grazed pasture to golf course, a full Appropriate Assessment under the Habitats Regulations will be required. This is because features of habitat value to the

Greater Horseshoe Bat are materially affected by the development.

The implication of this is that para.119 of the NPPF applies. This clearly states that the presumption in favour of sustainable development does not apply in the case of development requiring appropriate assessment.

Notwithstanding that there is no presumption in favour of development in this case. The application needs to be judged on its individual merits against relevant policy and other material considerations.

A key objective within the NPPF is to encourage economic growth in order to create jobs and prosperity (para.18). Para. 28 of the NPPF supports the creation of a prosperous rural economy. It advises that there should be support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. "Sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside" are identified as a way to promote a strong rural economy.

In the Torbay Local Plan 1995-2011 this site is designated as Countryside Zone. Policy L4 is applicable and this states that development will not be permitted where this would lead to the loss of open countryside and the creation of urban sprawl. However, a number of types of development are identified as being permitted in this Policy area and this includes (5) *development associated with outdoor sport and recreation*. The proposed use of the site for a golf club house and associated parking facilities would fall into this category of development associated with sport and recreation.

Policy L4 seeks to retain the rural character of the area and the special character and setting. An important consideration is therefore how the proposed development would affect the rural character of the area.

There is a large area of open land on the golf course with views across this land from adjoining roads. This makes an important contribution to the character of the area. Although the wider network of country roads includes rural corridor development and hedgerows so as to enclose the route, this area has an open character that provides some local relief.

It is noted that there is no public access to the land, although it is clearly visible in the street scene. Furthermore, the proposed clubhouse building and car park would cover part of this area of the golf course whilst retaining significant areas of open space around the building and to the north. The existing view to the north (towards the sea) from Bridge Road, would be retained as a result of the development. Albeit that the foreground to that view would be demonstrably narrowed and significantly altered from its current context.

It is a matter of judgement as to whether the proposed Golf Clubhouse would have an effect on the rural character of the area. Policy L4 is a permissive policy that supports appropriate forms of development within the Countryside Zone and specifically refers to

the development type proposed here. However, at the same time the policy seeks to protect the spread of inappropriate uses into the countryside and retain the rural character of the area.

In order to reach a balanced consideration of the effect of the proposed development on the character of the area it is necessary to consider the issue of the visual effect of the development along with the wider benefits to the area that would result from approving the development. By considering the visual impacts of the proposed development and the wider long term benefits that would result, this will enable a balanced decision to be made on whether the effect of the proposal on the character of the area would or would not be acceptable. These issues are addressed in more detail below.

Policy R2 also supports proposals for outdoor recreation provided there would be no detrimental effect on residential amenity, the proposal would be acceptable in highway terms and there would be no detrimental effect on nature conservation, landscape protection or preservation of the best and most versatile agricultural land.

Visual Impact -

The visual impact of the proposed development and the effect on the appearance and character of the area is a key issue to be considered. Para.28 of the NPPF recognises that new development in rural areas should respect the character of the countryside and Policy L4 in the Torbay Local Plan 1995-2011 identifies that new development should not be detrimental to the rural character of the area.

In support of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted and this has been supplemented by the submission of visual montages from Bridge Road and Bascombe Road. The LVIA contains a detailed appraisal of the effect of the proposed development on the surrounding area. In the summary it is advised that the replacement club house proposals comprise facilities that relate directly to the existing land use, and are located on an area not subject to any landscape designations.

It is also stated that the site is relatively well enclosed with limited visibility. Local views are restricted to adjoining roads and longer distance views are limited. Landscape and visual mitigation of the proposals has been a fundamental part of the design process. It is considered in the LVIA that the visual effect of the proposal would be moderate adverse. This relates to views of the proposed clubhouse and car park immediately following completion, from views in the immediate vicinity. In time as the proposed vegetation matures such adverse local visual effects will lessen.

The submitted photo montages are helpful to consider the visual effect of the proposed development. The applicant has provided an interpretation of how the building will fit into the landscape immediately after development is completed, and 10 years after completion when the landscaping has matured.

The clubhouse building and car park will be very visible from the northern end of Bridge Road after the railway bridge, from Bascombe Road and from the lane across the golf course. The photo montages show the impact of the development following completion on these localised views.

After 10 years the building will be partly obscured by landscaping but will still be evident in the street scene. Furthermore, the landscaping will itself change the character of the area and reduce localised openness, albeit that this will retain a form of rural character.

The Bascombe Road photo montage has also been submitted showing the height of the hedge along Bascombe Road being allowed to increase in height and this has the effect of providing screening of the proposed building from Bascombe Road. Albeit that this will take time to mature and become effective.

The LVIA and photo montages indicate that the club house will be evident in the street scene. Due to the topography and existing landscape features the extent of visual influence will be limited to areas in the immediate vicinity of the site as highlighted above. The proposed club house by reason of its size and height will inevitably have an impact on the appearance and character of the area. The issue to be considered is how the proposed development would impact the character of the area, and whether this would be so significantly detrimental as to warrant refusal in an area designated as Countryside Zone in the Torbay Local Plan 1995-2011.

In comparison with the proposed club house building submitted under application reference P/2012/1194, the design of the building has been revised to increase its sensitivity to the rural character of the setting. A grass roof is proposed and the materials palette of natural stone and larch cladding would soften the visual effect of the building through reflecting the rural setting of the site. It is proposed to partly dig the building into the site to reduce its height and to create an embankment around the side of the building to provide some additional screening. This will have the effect of sinking the building further into the ground.

The application site forms part of an open swathe of golf course. The proposed use as a golf club house would directly relate to the existing land use on the site. The area does have a mixed character and there are two storey dwelling houses on both sides of Bascombe Road (at intervening points) in the vicinity of the site.

The surrounding area can be characterised as an area of mixed open space and low density buildings. The introduction of a building on this site wouldn't be completely alien to the character of the area, although the scale of the proposed building would be clearly larger than dwellings in the area. In addition the land area for the car park would be significant.

The zone of visibility of the proposed club house is limited to an area adjacent to the site, and the building would be clearly apparent from these local viewpoints. The proposal to allow the hedge along Bascombe Road to grow would provide additional screening in

the street scene. The increase in height of the hedge would be consistent with the character of the road as a rural lane, and other stretches of the road where the hedges obscure views across adjacent land.

The proposed alterations to Bascombe Road would be clearly evident. The design has been landscape led to retain the character of the area. This is evident by the use of a grass bank to reduce the carriageway width and to slow traffic using the road. The revised alterations to Bascombe Road would not change the overall character of this stretch of the road and would not have an adverse impact on the visual amenity of the area.

Highways -

Both a Transport Assessment (TA) and Travel Plan have been submitted in support of the application. The Transport Assessment advises that traffic flows to and from the proposed golf club house would be signed from the A3022 at Bridge Road. It is acknowledged that members arriving from Brixham would be likely to use Copythorne Road and Bascombe Road. Although the signing to and from the proposed golf club house would encourage traffic to use Dartmouth Road and Bridge Road it is accepted that local knowledge may result in trips via Bascombe Road from the Windy Corner signals.

The application includes an improvement to the highway layout at Bascombe Road to accommodate the access and improve visibility and highway alignment through the junction. In the TA it is advised that pedestrians and cyclists would access the site primarily from Bridge Road and Lower Fowden. A footway/footpath link along Bridge Road is to be funded by the development, securing this link remains an issue to be resolved and progress on this will be reported to the committee on the 11th March.

In the TA it is advised that traffic movements to and from the existing Golf Club House were recorded as part of the traffic surveys. In the AM highway peak hour (07.45 to 08.45) there were 11 arrivals and no departures and in the pm highway peak hour (16.15 to 17.15) there were 9 arrivals and 16 departures. The TA states that given the nature of golf, there are a greater proportion of arrival trips between 09.00 and 14.00 and a greater proportion of departure trips between 14.00 and 19.00. The maximum parking accumulation in the existing Club house car park was recorded as being 91 vehicles. Using this figure as the basis for assessing the impact on the local road network has been challenged by the local community and the Council is seeking further advice from an independent Transport Consultant on this point.

In calculating future traffic flows the recorded traffic flows for the existing club house were increased by 10% before being redistributed to the new access arrangements. The intention of this was to take into account the increase in the size of floor space of the club house and to reflect any impact of the proposed Golf Academy, which is estimated at three vehicle trips per day on average.

The TA advises that as a result of the Golf Club development an additional 5 vehicles per hour in the am peak would use Bascombe Road on the Brixham side of the Club house travelling in either direction. An additional 11 vehicles would do so in the pm peak hour, again travelling in either direction. This equates to 1 additional vehicle movement on Bascombe Road on average every 5.5 minutes in one direction or other during the pm peak hour.

The amount of vehicles using Bridge Road would be increased to an additional 17 vehicular movements per hour in the pm peak period, which would comprise an additional 11 vehicles travelling south towards Dartmouth Road and an additional 6 vehicles travelling north towards the club house.

It is calculated in the TA that the impact of this additional volume of traffic would result in an additional 9 vehicles queuing to leave Bridge Road in the pm peak period in comparison with the projected volume of traffic without the golf club development. The applicant has suggested they could fund the widening of Bridge Road to 2 lanes to ease this congestion and improve capacity at the junction. This would result in the queue of traffic being revised to 8 vehicles waiting to turn right and 4 waiting to turn left at the peak period. The Senior Transport Planner has confirmed that the Council would wish to see this improvement carried out to the Bridge Road junction. The applicant would fund this improvement at a cost of £40,000.

As part of the application a new footway along Bridge Road would be funded for use by pedestrians and cyclists. This would encourage the use of sustainable modes of travel to the new Club House and would also benefit the wider community as the footpath would link to the existing footpath from Broadsands to Bascombe Road. The applicant would fund the cost of this footpath which would be £23,500.

The principle of the provision of the footway is welcomed as it would encourage sustainable travel to the proposed Golf Club House and would also link well with the existing bus stops on Dartmouth Road. There would also be a wider benefit to the community who would use the path as a safe route between Dartmouth Road and Bridge Road. There is some concern about the deliverability of this path as the route would cover land in a variety of ownerships. The applicant has been requested to provide confirmation that the provision of this path would be capable of implementation. The delivery of the footpath would be secured through the S106 agreement and confirmation as to progress on this issue will be reported to the committee on the 11th March.

The application includes carrying out works to improve the visibility and highway alignment of the proposed access to the Club House with Bascombe Road. These works would result in the existing width of the carriageway being maintained. The provision of a narrow carriageway (4.2 metres wide) in this location would be an appropriate solution as it would slow traffic down in this area where there are junctions on either side of Bascombe Road. Widening the road would encourage faster traffic speeds and would have the potential to attract additional volumes of traffic to use

Bascombe Road rather than the A3022.

The Council's Senior Transport Planner has advised that in principle there is no objection to the proposal. Further information has been requested from the applicant about servicing and about traffic associated with the Golf Academy.

The Churston, Broadsands and Galmpton Community Partnership has submitted a highway consultants report that raises a number of concerns relating to highway safety and states that there are deficiencies in the Transport Assessment. The Council's Senior Transport Planner is reviewing this document and his comments will be reported to Members.

The Council has also commissioned an independent highway consultancy to carry out a review of the TA and the proposed highway works to provide advice on whether it is robust and fit for purpose. This report is awaited and will be reported at the meeting to Members.

Impact on residential amenity -

The applicant advises in the Planning Statement that the Golf Club would be willing to limit the number of 'late' events that take place at the golf club during the year and to restrict the use of outdoor areas including balconies to 22.30, to protect the amenity of neighbouring properties. The club would not hold more than 10 late events per year.

The Environmental Health Officer has raised concerns about the potential of the new clubhouse to have a detrimental impact on residential amenity due to noise and disturbance from golf club members arriving to play golf in the early morning, and through use of the building in the evening. He has suggested that an acoustic barrier should be provided between the car park and the road.

There is concern about the need for an acoustic barrier on the basis that it would be an expensive solution to protect the amenity of the residents of the nearest property and would also have a further impact on visual amenity. Considerable work has taken place to landscape the development, and an acoustic barrier has the potential to be visually detrimental to the appearance and character of the area. In an alternative approach to this matter the Golf club has been requested to consider how the use of the clubhouse during the early morning can be managed to prevent nuisance to nearby properties. This could be, for example, through parking away from the boundary with neighbouring properties. Measures to ensure adequate sound insulation is installed and that windows on the west elevation are kept shut during the evening, can be addressed by means of condition.

The Environmental Health Officer has also suggested that the premises should not be used between the hours of midnight and 6 am and that deliveries should be restricted to between the hours of 8am to 18.00. These matters can be addressed by means of conditions.

- Environment

The only specific designation relating to the site is as Countryside Zone in the Torbay Local Plan 1995-2011. There are no wildlife designations. It is noted that as part of the proposal 35 trees will be felled. A robust landscaping scheme would be needed to offset this loss and to ensure that an equivalent quantity of replacement landscape features will be provided to have a neutral impact on bio diversity. A strategic planting plan has been requested by the Arboricultural Officer.

The RSPB has requested that the Club House building make provision for nest sites for birds. The use of a green roof on the Club House building would be welcomed as an opportunity to increase biodiversity on the site.

The Habitats Regulation Assessment (HRA) screening of the application by the Council's Ecology consultant is awaited. It is anticipated that because of changes proposed to hedgerows and land use within the AONB and SAC sustenance zone, an Appropriate Assessment will be required.

- Historic and Archaeological Impacts

A considerable number of residents have expressed concern about the proposal to reposition the two stone piers located on either side of the lane across the golf course. These piers have limited historic provenance as Ordnance Survey records show that they were moved into

their current position in the interwar period sometime between 1904 and 1933. They are an attractive vernacular feature but are not listable under the current criteria. There would be no historical reason why they could not be moved. As part of the application it is proposed to reposition these piers on either side of the wider access and for them to be retained.

An Archaeological Assessment has been submitted in support of the application. This assessment has highlighted that the site is of moderate archaeological potential for the recovery of Prehistoric finds, low potential for remains from the Roman and Saxon date and low potential for the Medieval and post Medieval periods. Some archaeological mitigation is advised in the assessment. The Senior Historic Environment Officer has recommended that this can be addressed by means of a condition.

Site 2 -

This is broadly the same area of land that was considered for the site of a new Golf Club House and change of use to form new golf course under application reference P/2011/0838.

In comparison with this previous application the Golf Club House has been removed from this part of the site and the following changes have been made;

- Inclusion of a 'ha-ha' bank feature across a gap in a hedge to maintain bat connectivity
- Provision of additional east-west linear feature of native tree and shrub planting
- Reduction in the area of onsite pasture on the existing area of horse pasture (to 1.2 ha)
- Changes to proposed hedge removal, both a reduction and an increase.

Principle and Planning Policy -

This part of the application site is designated as AONB, Countryside Zone, and Coastal Preservation Area. The south western part of the site is within the Churston Conservation Area and part of the site is designated as a County Wildlife site.

The key issues to be considered in respect of site 2 are the impact of development on the landscape within the AONB and the impact on ecology and wildlife.

Development within the AONB -

It is important to recognise that designation of an AONB does not preclude new development. Development can be carried out in the AONB providing it complies with current policies and legislation.

The NPPF provides an important part of the policy framework under which this application should be determined. Para. 116 is relevant to development within the AONB and states "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest". It advises that "consideration of such applications should include an assessment of:

- The need for the development, ... the impact of permitting it, or refusing it upon the local economy
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

Policy L1 in the Torbay Local Plan 1995-2011 applies to development in the AONB. This states that within the AONB "development will only be permitted where it would support their conservation or enhancement or would foster their social and economic well being, provided that such development is compatible with their conservation".

It can be seen that there is a difference between the approaches in the NPPF and the Torbay Local Plan 1995-2011. In the NPPF there is a presumption that development will be refused unless there is an exceptional circumstance and the proposal is in the public interest. In Policy L1 there is a presumption in favour of development and development doesn't have to support both 'conservation or enhancement' and 'social and economic

well being', it is only required for development to meet the conservation and enhancement objectives.

However, neither para 116 of NPPF nor L1 of the Local Plan, make unacceptable development in the AONB any more acceptable. Members will need to ensure the proposed development is, as a first consideration, acceptable in its own right, before considering whether exceptional circumstances and public interest over-rule the NPPF presumption against granting permission.

In this instance, the NPPF (Para 116) takes precedence over the local plan, as the NPPF has been published much more recently than the Local Plan and the designation as AONB is a national designation. As such the NPPF carries significant weight in the determination of this application.

However, it remains important to assess the proposed development against both Para. 116 in the NPPF and Policy L1 in the Torbay Local Plan 1995-2011, in order to reach an understanding of the impact of the proposal on the AONB.

Considering Paragraph 116 of the NPPF, whether this proposed development can be considered as an "exceptional circumstance" is a complex debate, not least because there is no definition in the NPPF of an "exceptional circumstance".

One consideration is that the application is linked to the approved application, reference 2011/0829, for residential development on the site of the existing club house and 1st and 18th. This would deliver 132 new dwellings which would contribute to the Council's five year supply of housing. In both the Wall Park and Scotts Meadow appeal decisions the Inspectors found that the Council was unable to demonstrate a 5 year supply of housing, which is contrary to the requirement of Paragraph 47 of the NPPF. Without consent for the golf course alterations in the AONB the approved residential development (P/2011/0829) of the 1st and 18th would not be deliverable.

Para. 116 also requires development in the AONB to be in the public interest. The principle of providing improved facilities and improving the viability for a private members club such as Churston Golf Course could be argued not to be in the public interest, as there would be no overall gain for the local community given the golf facilities would not be accessible to everyone.

However, as part of the development, the applicant has agreed that the entire golf course (some 31 hectares) will be subject of the Landscape and Ecological Management Plan (LEMP), which will specify in considerable detail how all the golf course land will be managed to benefit both landscape and ecology. This will include measures such as managing the rough grassland, hedges, trees, screening and lighting. The golf club are prepared to sign a S106 agreement that will contain details of how all these features will be managed in perpetuity. This would be a significant benefit to the AONB as it will ensure the golf course land is managed in the most effective way and gives a long term assurance that this area of land in the AONB will be appropriately managed. In

comparison with the 'do nothing' scenario this would be a significant benefit to the quality of the AONB and is, as such, in the public interest.

Paragraph 116 has three bullet points (stated above) which sets out the issues that should be considered in the determination of applications for major developments within the AONB. It is worth noting that the NPPF does not give any indication of the scale or acceptability of impacts, costs and effects. These impacts, and the weight attached to them, are a matter for the decision making process. The assessment issues identified in the NPPF are highlighted in bold text below.

a) the need for the development including the impact of permitting it or refusing it on the local economy.

The applicant advises in the Planning Statement that the proposed development will help to ensure the Club's long term future, through the retention of existing club members and the attraction of visiting players. The proposals would also enable the Club to accommodate the Lee Westwood Golf Academy (outside of the AONB) which would encourage younger players, boost local employment and tourism and raise the profile of Torbay.

The economic report written by DTZ and submitted in support of the application concludes that the proposed development would represent a significant boost to local employment, economic output and public sector finances. It identifies that the proposal would offer the opportunity to provide 65 net additional jobs in Torbay and 80 net additional jobs in Devon compared to the 'do nothing' scenario. The net additional effect of the proposed development on economic output would be £1.2m annually or £20.2 in NPV (net present value) terms over 25 years.

As stated above, this planning application is linked to the delivery of the residential development on the existing golf club house site. Without the re-provisions of holes in the AONB and a new location for the Golf Club house (outside of the AONB) the approved development (under application reference P/2011/0829) of 132 dwellings would not be capable of implementation.

The provision of the development approved under P/2011/0829 would contribute to the Council's 5 year supply of housing land. In addition the construction of both the residential development and the club house would generate a number of temporary construction jobs. New direct employment would be created at the Extra care facility on the residential site and with the introduction of the Lee Westwood Golf School. There would be indirect impacts associated with visitors to the golf club spending in the local area. In addition there would also be benefits from the receipt of the New Homes Bonus and financial contributions from the S106 agreement attached to application reference P/2011/0829.

The reserved matters planning application for the Extra Care facility on the site of the existing Golf Club House (ref P/2013/0034) is current and has been submitted. A £1

million grant has been secured by the applicant from the HCA. This funding is available providing the development is commenced in the summer of 2013. In order to implement the proposed Extra Care facility, planning permission would need to be secured for an alternative location for the Golf Club house.

In terms of the continued operation of the golf club the applicant has not proven that without this development the golf club would cease to operate. Therefore the need to relocate the clubhouse and reconfigure the fairways carries limited weight in determining the proposal. However the impact on the local economy would be beneficial. The benefits of the proposal to the economy and perception of Torbay could also be significant.

Policy L3 in the Torbay Local Plan 1995-2011 relates to Coastal Preservation Areas and is a restrictive policy that limits development within these areas to that which cannot be accommodated elsewhere. This Policy is not fully NPPF compliant as it contains greater controls over development than Policy L1 relating to AONBs. The NPPF indicates at para. 113 that the AONB has a higher level of protection, therefore Policy L3 would have limited weight in the determination of this application.

b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way

It is possible that, if permission were refused for this application, the Lee Westwood Golf School opportunity would be lost, with consequent 'cost' to Torbay's economy and profile. Similarly the opportunity for enhancement and long term maintenance of the AONB in accordance with the requirements of Natural England and the RSPB could be lost.

As stated above the delivery of the 90 new homes and 42 extra care unit on the existing club house site are dependent on the relocation of the Club House.

The applicants have also provided a summary of work carried out to assess alternative sites. There are a limited number of available sites outside of the AONB and

c) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

The impact on the environment is a significant issue in the determination of this application, as the site is within the AONB and within the sustenance zone of the Berry Head Special Area of Conservation.

The impact on landscape is a balanced assessment. The proposed development would result in the loss of 11 hectares of agricultural land, however this would be offset by the change of use of 1.15 ha/2.84 acres currently used for equine purposes, a horse ménage and wooden stable block with a wooden stable block to cattle grazing, the provision of the off site mitigation area which would result in a total area of off site mitigation of 5.5 ha/13.6 acres and the applicant has offered to provide and implement in

perpetuity a Landscape and Ecological Management Plan (LEMP) to ensure that habitats under their ownership and the rare species they support are secure in the long term. The LEMP will not only cover the proposed development site, but the golf course as a whole, which covers an area of approximately 31 hectare.

In terms of recreational opportunities the golf club is a private club for members and green fee paying visitors only. It does have a social role to play in that it provides sports and meeting facilities for the local community. There is also an opportunity for young people to play golf and the club has links to schools in the area. The contribution the club makes to the community is recognised by Sport England, who support the application and refer to conditions that were imposed when funding was granted for the existing club house that it be made available for wider sports and public use. The same conditions would be applied to the development of the new club house. It is recognised by Sport England that through this policy the clubs links with the community have been extended through engaging with a number of different user organisations.

Although membership is required to use the facility the golf club does provide a recreational benefit for users which would make a positive contribution to health and social well being of users.

Conclusion on AONB considerations

Having given consideration to all material matters as outlined above, in the event of certainty being reached there is the potential for the scheme to be acceptable in relation to the impact on the AONB. This is because of the balance of economic and environmental benefits against environmental impact.

The South Devon AONB Officer has no objection to the scheme and provides a helpful summary of the AONB considerations in his consultation response. His conclusions are in line with officers conclusions and he states that:

'The revised proposals relating to the playing area (fairways, greens, practice areas) will introduce a more intensively managed regime to that part of the AONB, and remove some land from established agricultural use. However, although this is in some ways a more "artificial" type of land use, the existing golf course as a whole makes a valuable contribution to the appearance and character of the locality because of its significant areas of trees, scrub, hedges and rough grassland. Despite the fact that the course is a managed area of land, these features are in many places informal in appearance and lend the area an open, almost "parkland" type of character. The proposal to extend the area of golf course is therefore not incompatible with that character.'

However, at the current time there remains a key issue that is unresolved, that is the current uncertainty over the detail of the LEMP and CEMP. Natural England and the RSPB have, at present, requested that these documents are produced in detail before a decision is reached.

Whilst this is unusual (in that detailed measures in such documents are often dealt with post decision through a s106 and / or condition), the importance of certainty in determining this application is a valid consideration. This is especially true given the sensitivity of the area as AONB and its habitat value in support of the SAC. As such, at the present time officers are not in a position to recommend the application on grounds of acceptability in relation to the AONB. The more detailed ecological issues that remain unresolved and are related to the LEMP and CEMP are covered in detail below.

Impact on Ecology and Wildlife-

The designation of the South Hams Special Area of Conservation (SAC) is relevant to the determination of this application. The Council has employed an Ecological consultant to screen the development under the Habitats Regulations 2012 for likely significant effect on a European site. This report is awaited and will be reported to Members.

The applicant has submitted a detailed Ecological Assessment Report. This confirms that extensive ecological survey and assessment of the site has been undertaken. It is concluded that whilst the Golf Club extension site itself does not support any bat roosts, the existing hedgerow network and grazed pasture provides an important resource for foraging and commuting bats, including Greater Horseshoe bats, a qualifying interest feature of the South Hams Special Area of Conservation (SAC) located over 2.5km away.

Part of the site is designated as a County Wildlife Site for its previously recorded breeding population of Cirl Buntings and baseline surveys confirmed the presence of five Cirl Bunting territories on/overlapping the site, which represents 0.5% of the current UK population.

Other ecological features recorded across the site included the presence of Badgers, a Barn Owl roost site and other notable bird species typical of farmland/urban fringe habitats during both the breeding and wintering periods and a 'good' population of Slow Worms.

The extension of the golf course into farmland would result in the loss of areas of cattle/sheep grazed pasture important for foraging Horseshoe bats. Loss of permanently grazed cattle pasture is of particular significance for Greater Horseshoe bats as they are heavily dependent on the invertebrate prey that cattle dung generates. The fields in which grazing will be lost amount to an area of 4.36ha/10.76 acres. In order that the proposed development would not have a detrimental effect on ecology the following measures have been included as part of the proposal;

- An area to the west of the site of 4.35 ha/10.76 will provide replacement grazed pasture. The Churston Barony has agreed to manage this area in perpetuity for the benefit of Greater Horseshoe bats. The fields are currently used for silage/hay and aftermath grazing.

- An additional area of offsite cattle grazed pasture will be provided and managed by the golf club which is located in between Churston Court Farm and the western boundary of the proposed development footprint. This area amounts to 1.15 ha/2.84 acres and replaces what is currently improved grassland, a horse ménage and wooden stable block. The golf club will be responsible for the management of the area under a Landscape and Ecological Management Plan (LEMP). (The total area of off-site replacement grazed pasture adds up to 5.5 ha/13.6 acres)
- The applicant has offered to provide and implement in perpetuity a Landscape and Ecological Management Plan (LEMP) to ensure that habitats under their ownership and the rare species they support are secure in the long term. The LEMP will not only cover the proposed development site, but the golf course as a whole, which covers an area of approximately 31 hectare.
- Two new bat roosts would be provided; one in the Sheep's Croft (a derelict stone shed on the northern boundary of the site) and the other in the Lime Kiln in the quarry to the east of the site
- 1 Barn Owl box would be installed on the site boundary.
- Two Devon hedgebanks will be created in new locations (through translocation and reinstatement) to enhance connectivity.
- Pockets of native shrub planting will be created around the golf course
- Large expanses of less intensively managed grassland will be created (areas of 'rough') and will be managed for wildlife in accordance with a LEMP.
- Linear bands of native tree/shrub planting are proposed and will maintain habitat connectivity (including bat flight paths) within and across the site
- 2 wetland features will be created with features to benefit wildlife

Natural England (NE) has raised concerns about the proposed loss of parts of the hedgerow network and the impact that this would have on the foraging and commuting habitats of the Greater Horseshoe Bats. They are concerned because Greater Horseshoe Bats tend to be reliant on the continuity of linear features to navigate. The applicant has given consideration to these points and provided greater detail of the proposed changes to the hedgerows. Natural England's response to this additional level of detail is awaited.

Natural England has also suggested that the CEMP and LEMP are finalised in advance of a decision by the Council. They have been asked provide further information in relation to this advice, as it would be normal practice for the CEMP to be produced in detail when a contractor has been appointed following a grant of planning permission. The contractor would need to be involved in the preparation of the CEMP as they will be

responsible for carrying out the development on the site. In addition a reasonably detailed draft LEMP has been submitted that was accepted by NE under previous application reference P/2011/0838 and NE have been requested to clarify whether there has been a change in circumstances to justify their current request for a full LEMP prior to a grant of planning permission.

The RSPB has raised concerns about;

- Adequacy of the proposed on-site mitigation and off-site compensation
- Receipt of Higher level and Entry Level Stewardship agreement payments supporting current management on some farmland proposed for golf course extension and off site compensation land.
- Lack of detail for the LEMP for the golf course
- Absence of a LEMP for the off-site compensation.

The applicant has been requested to respond to these points.

RAGS and the Community Partnership have jointly submitted a bat survey of Marridge Wood, Seven Quarries and The Grove Wood and a report on the Likely Impact of the Churston Golf Club development on the Berry Head Greater Horseshoe Bats. The survey records evidence of the use of caves to the north of the application site by bats including Greater Horseshoe Bats. The report raises concerns about the effectiveness of the mitigation measures proposed by the applicant. Natural England have been asked to respond to the survey and report and their observations and those of the Council's ecological consultant will be reported at the committee meeting.

There remain a number of unresolved matters which provide uncertainty in relation to the ecological impact of the development. At present this uncertainty consists of:

1. NE and RSPB requests for more detailed LEMP and CEMP documentation before a decision is reached,
2. The absence of a completed Appropriate Assessment,
3. The lack of clarity over the impact of hedgerow loss and NE's response to that issue,
4. The issue raised by the tenant farmer of the risk of cattle grazing the proposed mitigation land near to known badger setts, and;
5. The position of the tenant farmer in his clearly stated reticence to sign the s106 to which he will need to be a signatory.

Given the uncertainty that is currently evident in relation to the ecological considerations and given the precautionary principle set out in the Habitat Regulations Assessment, officers are not in a position to recommend approval in relation to ecological impact.

Landscape -

The Torbay Landscape Character Assessment, undertaken by consultants on behalf of the Council, states the site lies within the area of local character 1R Broadsands and North Churston and is described as:

“The Broadsands area is visible across Torbay, whilst the southern part near Churston is largely hidden by woodland which is an important landscape characteristic of this part of the coastal fringe; it also screens much of the manicured golf course landscape”.

In relation to the capacity to accommodate change and mitigation potential, the Landscape Character Assessment states “the landscape structure of this area has become fragmented as a result of the development of the golf course and adjoining housing. It may be possible to accommodate limited small scale change in the south western part of this area which is screened from the coast by a combination of housing, landform and woodland”.

In relation to a management strategy (Restore), the Landscape Character Assessment says “measures should focus on hedgerow enhancement including the establishment of replacement hedgerow trees, and planting of small copses”.

In the Brixham Urban Fringe Landscape Study the site lies within landscape compartment 24: Churston Golf Course. This is a finer grained and more detailed landscape assessment of the AONB around Brixham. It suggests proposed alternative management, by:

- Encouraging the golf course to manage rough areas for wildlife
- Seeking to bring farmland under HLS and restore the orchard
- Ensure that native tree and shrub species are used within the course.

Both these landscape character assessments acknowledge the already altered nature of the present landscape and identify that the site is screened from views across the bay by woodland (Marriage Wood), thereby drawing the conclusion that the landscape could accommodate some change. In management terms it is recommended that the landscape be restored.

In visual terms the application site is well screened from the surrounding area by existing woodland and higher ground levels around the site. The proposed changes to the existing golf course to provide a practice/coaching area will have limited effect on the appearance and character of the area. The change of use of the agricultural land to golf holes will have greater impact particularly as there would be some re-grading of the land in this area. However, this part of the site is only visible from the immediate surrounding area and the overall impact would be limited by the valley location. The more prominent landform changes are principally located within the valley bottom.

The AONB Officer has advised that he welcomes the decision to reposition the proposed clubhouse and car park to the site outside the AONB and has no objection to the proposal. As set out in the AONB section about, he confirms that this has the effect of removing the built elements of the scheme from the nationally designated landscape area.

He advises that the revised proposals relating to the playing area (fairways, greens, practice areas) will introduce a more intensively managed regime to that part of the AONB, and remove some land from established agricultural use. However, although this is in some ways a more "artificial" type of land use, the existing golf course as a whole makes a valuable contribution to the appearance and character of the locality because of its significant areas of trees, scrub, hedges and rough grassland. Despite the fact that the course is a managed area of land, these features are in many places informal in appearance and lend the area an open, almost "parkland" type of character. The proposal to extend the area of golf course is therefore not incompatible with that character.

It is also noted by the AONB Officer that while some areas of agricultural land and hedgerow will be removed, this will be balanced by the on-site landscape mitigation works combined with the proposed wider Landscape and Ecological Management Plan which will provide a valuable opportunity to strengthen and maintain the landscape character, visual appearance and habitat management of the whole course in the long term.

The AONB Officer concludes that he has no objection to the scheme, subject to conditions.

In relation to detailed concerns, the AONB Officer suggests that parking for the golf practice area should be contained within the existing grounds maintenance depot area to prevent parking on the road. The applicant has responded to this point and confirmed that the existing grounds maintenance area and associated existing parking area is outside of the planning application boundary. There are no proposals within the application to modify the area for parking.

The existing golf practice area will remain as a practice area and it is envisaged that some, if not most, of the users of the practice area will park at the golf club, when it is constructed, because it is much closer than that which exists, and walk to the practice area, thereby potentially reducing the numbers of cars being parked in the current area.

Loss of agricultural land

The 11 hectares of agricultural land that would be incorporated into the golf course is classified as grade 3a and 2 agricultural land. Grades 1,2 and 3a are the best and most versatile land. This loss of agricultural land has to be balanced against bringing the 2.84 acre area currently used for horse grazing into use for cattle grazing, which will be controlled by a LEMP. In addition, the improvements in farming methods to benefit

Greater Horseshoe Bats, which is to be carried out on the mitigation area of 10.76 acres is to be weighed in the balance (so long as certainty over its delivery can be secured).

It would be difficult to substantiate an argument that the loss of agricultural land would have a significant detrimental effect on agriculture in the area. The present uncertainty over the delivery of the mitigation land and the policy considerations in policy R2 in relation to this matter are of relevance. However, in the event that clarification and certainty is provided for the mitigation land this issue is likely to be resolved.

It should be noted that Policy L7 in the Torbay Local Plan 1995-2011 relating to agricultural land is not a saved Policy and is not applicable to the determination of this application.

Accessibility -

There would be no buildings on Site 2 and access would predominantly be by foot. The issue of whether there will be a demand for additional parking as a result of the practice area being located on the site has been raised by the AONB Officer. There is an adjacent parking area in the existing green keepers yard that has a restriction on the number of vehicles that can be parked in the area. It is unlikely that there would be a significant demand for parking adjacent to this site as a result of the application.

S106/CIL -

A Section 106 agreement will be required for the following;

- Funding of additional turning lane at the junction of Bridge Road and Dartmouth Road £40,000
- Funding and obtaining consent of landowners to provide footpath between Dartmouth Road and Bascombe Road £23,500 plus an addition for crossing the railway bridge as yet not specified.
- Provision of off site mitigation measures as outlined in the draft Heads of Terms
- Provision of LEMP and an Ecological Monitoring Report as per appendices to the Ecological Assessment Report.

There are three issues that need to be resolved before the S106 agreement is agreed;

a) it is not clear that the footpath is deliverable and that all the landowners involved have agreed to its provision. The applicant has been asked to provide confirmation that this can be achieved.

b) the tenant farmer who controls the 4.35ha/10.76 acres has indicated that he will not

sign the S106 agreement. Confirmation is required from the applicant with sufficient legal certainty that the tenant farmer will be obliged to undertake appropriate grazing management of the “offsite land”.

c) related to point b is the issue of the impact of grazing the land on the likelihood of the cattle contracting TB, the position in relation to this risk needs to be clarified.

Conclusions

In conclusion, following refusal of application reference P/2011/0838 this application proposes the revised siting of the Golf Clubhouse to a location outside of the AONB. This revision would address the reasons for refusal relating to development within the AONB on the previous application.

The proposed development raises a number of complex issues that require extensive consideration to fully appreciate their implications and to reach an objective assessment. The current position is that a lot of information has been submitted in support of the application, but there is still additional detail required and a number of issues to be clarified before an informed decision on the proposal can be made.

Officers will progress these matters before the meeting and additional information will be verbally presented to Members. This is a reasonable timescale to resolve the outstanding matters, and will prevent unnecessary delay to the determination of the application (in line with current Government advice).

Given the number of issues that are unresolved and that these issues are fundamental to the proposed development, the current position is that officers are not in a position to recommend the application for approval, unless or until these issues can be resolved. In its current form the proposal would not constitute an acceptable form of development. Following the resolution of the outstanding issues it is possible that this position could change and the recommendation of refusal could potentially be overcome. However, this is not a certainty as officers would need to weigh up again the various material considerations of relevance to this sensitive development.

The current position is as follows; the revised siting of the Club House would increase its prominence in the street scene as it would be visible from some public vantage points around the site and would have an impact on the visual amenity of the area. This impact would be limited to a relatively small area around the site, but would nonetheless be demonstrable in the locality.

Local residents have expressed considerable concern about the impact of additional traffic on the road network. The submitted Transport Assessment concludes that the traffic impact would be acceptable. The Council's Transport Planner has requested further information relating to vehicle movements associated with servicing and the proposed Academy. This information is required in order to fully understand the impact

of the proposed development. In addition an independent consultants report has been commissioned and this is needed before a recommendation that there would be no adverse impact on highway safety can be reached.

Both Natural England and the RSPB have raised concerns about potential harm that would result from the part of the proposed development that would be carried out within the AONB. Until the matters that have been raised have been resolved it is not possible to conclude that the proposal would not harm the AONB and have an adverse impact on the foraging and commuting habitat for Greater Horseshoe Bats and Cirl Buntings.

The proposed development is inextricably linked to the residential development of the existing Golf Club House site. In order to deliver development on this site which has the benefit of outline planning permission the Golf Club House needs to be relocated to an alternative location. Permitting the current proposal would allow the delivery of up to 132 dwellings on the existing club house site. Sanctuary Housing has confirmed that they have a grant of £1million for the delivery of the extra care facility on this site, but the funding is time restricted and may not be available if they cannot proceed within the next few months. There would be associated benefits to the area from additional employment as a result of the extra care facility and the Golf Academy, the new homes bonus and an investment in the golf club to improve facilities that would benefit local recreation opportunities and have some impact on tourism.

There are technical matters relating to the delivery of the S106 agreement to be resolved before there can be confidence that the proposed development would be deliverable.

As such, in its current form, the application is recommended for refusal.

Condition(s)/Reason(s)

01. The proposed development would increase the volume of traffic in the locality contrary to Policy T26 in the Torbay Local Plan 1995-2011 which seeks to ensure that the effects of the development on the highway and road safety are acceptable. In the absence of information to the contrary, in relation to details of trips associated with both the proposed Academy and service vehicles attending the Club House, the proposed development would generate additional traffic on the local highway network that would be likely to have a significant adverse effect on highway safety and the free flow of traffic, by reason of the narrow width of the roads, the lack of footpaths and existing vehicular congestion in the area.

02. The applicant has failed to satisfactorily demonstrate that the terms of the S106 agreement can be satisfactorily delivered by reason of failing to demonstrate that:

a) all landowners agree the proposed footpath can be provided on their land and

b) the off-site mitigation area can be delivered.

For these reasons the proposed development fails respectively to:

a) provide sustainable mitigation for the additional vehicular movements that would be generated as a result of the development and

b) would fail to secure provision of mitigation measures to ensure that there is no likely significant impact on Greater Horseshoe Bat foraging and commuting habitats, that are protected by the South Hams Special Area of Conservation to make the development acceptable in planning terms.

The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies T26, NC1, NC5 and CF6 of the Torbay Local Plan 1995-2011 and paragraph 203 of the NPPF.

03. The proposed development would fail to deliver adequate mitigation to off-set the severance of existing landscape features notably hedgerows that are essential for navigation, foraging and nesting for the Greater Horseshoe Bats and Cirl Bunting. Furthermore, the application would fail to deliver mitigation for the loss of habitat of value to foraging Greater Horseshoe Bats, in the form of existing cattle grazed land. In the absence of certainty over the delivery of the mitigation land and in the absence of satisfactory information that might demonstrate how mitigation measures for the loss of hedgerows could be provided, the proposal would have a significant likely impact on both the Greater Horseshoe Bat and Cirl Bunting population, contrary to Policies NC1 and NC5 and contrary to paragraphs 9, 109, 118 of the NPPF and the requirements of the Habitats Regulations.

Relevant Policies

-

Agenda Item 5

Application Number

P/2013/0034

Site Address

Churston Golf Club Site
Dartmouth Road
Brixham
Devon

Case Officer

Mrs Helen Addison

Ward

Description

Formation of 42 extra care flats and communal facilities with associated landscaping and parking. Revised plans received showing revised design and layout.

Executive Summary/Key Outcomes

This is the reserved matters submission for the 42 bedroom extra care building that would provide the affordable housing element of the residential development on the site of the existing golf club house, 1st and 18th tees. The principle of the proposed building has been agreed at outline stage. The detailed plans show a well designed building that would relate well to its setting and would have an appropriate scale and design for this location.

Recommendation

Subject to no new issues being raised during the consultation period that expires on 14.3.13, reserved matters consent be granted for appearance, layout and scale of the building. Landscaping is not approved as the details have not been submitted with this application.

Statutory Determination Period

This application is a major reserved matters submission and as such the determination period is 13 weeks. The application must therefore be determined no later than 19 April 2013 in order to have been determined in time. Officers have anticipated a determination in time before the end of March in this case and included this in projecting performance for the 2012/13 year.

Site Details

The application site relates to land that forms part of the existing Golf Club House and 1st and 18th tees situated on the north side of Dartmouth Road and to the west of the steam railway line. The site covers 0.54 hectares and measures approximately 45 metres in width by 125 metres in length.

The existing ground level of the site is approx. 1.5 metres lower than road level.

The boundary to Dartmouth Road is partly delineated with a chain link fence and part a stone wall. There are views across the site from Dartmouth Road. The site is currently grassed, forming part of the 18th hole. Along the eastern boundary to the steam railway line there is a linear group of mature trees. Adjacent to the south east boundary is a pedestrian underpass. There is also a bus stop adjacent to the site on Dartmouth Road.

The surrounding area has a number of different uses. To the north and east is part of the golf course and the current golf club house. To the south there is a recreation ground and Churston Grammar School. Immediately to the east is the steam railway line and on the opposite side of the railway line is a mix of residential and commercial uses. There is no designation of the application site in the Torbay Local Plan 1995-2011. The railway line to the east is designated as a local wildlife site in the Torbay Local Plan 1995-2011.

Detailed Proposals

This submission is the reserved matters application for the construction of a 42 bedroom extra care building with parking and landscaping. Outline consent was granted under application reference P/2011/0829. At outline stage the only approved matter was access. Layout, appearance and scale are outstanding matters to be determined in this application. Landscaping remains outstanding.

The proposed building would comprise 32 x 1 bedroom 2 person extra care flats and 10 x 2 bedroom 3 person extra care flats. The communal facilities would comprise a restaurant, library/internet café, shop, salon, multipurpose room and a mobility scooter store. The applicant advises that the Extra Care model provides more comprehensive support to older people than standard sheltered housing and offering greater flexibility and independence than residential care homes. The principle of the provision is that as a resident's needs grow, the onsite support is tailored to suit their individual needs. This can include specialist care for those suffering from dementia. Extra care provides self contained flats and bungalows to mobility or wheelchair standards and offers personal care, domestic help and a meals service if required. A range of communal facilities and activities would be provided which will also be open to people in the wider community.

The submitted plan shows a predominantly two storey building with two apartments at second floor level, which essentially has a linear footprint that extends across the site boundary to Dartmouth Road and also along the eastern boundary of the site adjacent to the railway line. The apartments would be arranged either side of a central corridor. The main communal facilities would be located centrally within the building. This location would also enable the communal facilities to be accessed by the community without the privacy and security of residents being compromised. A private communal garden would be provided along the railway side of the building. Car parking would be provided at

the front of the building. Twelve parking spaces are proposed with an additional minibus drop off bay and a bay for ambulance/deliveries/maintenance parking. Three spaces would be allocated for disabled users.

The external appearance would comprise a number of projecting gables to both the west and south west elevations and a less detailed elevation to the east, with a number of balconies. The west and south west elevation (that faces Dartmouth Road) would be visually broken up by recessed links with low pitch roofs. Materials would be white rendered walls with natural effect reconstituted stone to the gable projections, plinth copings and window cills, grey concrete roof tiles with a low pitch metal roof over the communal lounge. Windows would be dark grey polyester powder coated aluminium. Balustrading would be glass with dark grey metal work to match windows and doors.

The layout plan shows a number of new trees would be planted along the south west elevation facing Dartmouth Road and the west elevation.

This proposal would provide the affordable housing element of the overall development of up to 90 dwellings on the wider site of the 1st and 18th tees that was approved under application reference P/2011/0829.

Summary Of Consultation Responses

Brixham Town Council: Recommend refusal due to lack of information with regards to access to site and lack of parking spaces.

Summary Of Representations

One letter of representation reproduced at Page B.200

Relevant Planning History

- | | |
|---------------------|---|
| P/2011/0829 | Demolition of clubhouse, outbuildings and care park and development comprising up to 90 dwellings, 42 bed extra care scheme (use C3 extra care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (in outline) approved 20.12.12. |
| 1996/0989 | Demolition of Clubhouse And Erection Of New Clubhouse And Trolley Store (As Revised By Letter And Plans Dated 22nd October 1996) per 1.11.96 |
| 1995/1191 1995/1191 | Demolition of Existing Clubhouse And Erection Of New Clubhouse (As Annotated On Plans 05/01/96) approved 5.1.96 |

The following applications not on the application site are also considered relevant;

P/2013/0019 Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and re-grading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.(Revised Scheme)

Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham

Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm. Current application

P/2012/1194 Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and re-grading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.

Site 1-Land At Churston Golf Course / Churston Golf Club,north East Of Bascombe Road Opposite The Northern End Of Bridge Road, Churston, Brixham

Site 2 - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm. Application Withdrawn. 21.01.2013

2011/0838 Change of use of agricultural land for use as a golf course; development of a clubhouse, car park and golf trolley store ; a new vehicular access and road from green lane ; a new practice area with associated small building and practice putting green; and works to form three replacement tees,

fairways and greens; all associated infrastructure engineering works and landscaping. Refused 26.7.12.

Key Issues/Material Considerations

Principle and Planning Policy -

The principle of the development on this site was approved under application reference P/2011/0829. The issues to be considered are whether the layout, appearance and scale are appropriate in this location.

Layout, appearance and scale -

The location of the extra care building on this part of the site follows the indicative layout plan submitted with the outline application. There would be no objection to siting the building in this location. The visual impact of a building on this scale would be effectively accommodated through its location adjacent to the site boundary. The linear form of the building would relate to the boundary line adjacent to the railway which would assist in assimilating the building into the site.

The proposed building would address the Dartmouth Road frontage, which would be consistent with the established layout of buildings in the area. Following negotiations with the architect the original south eastern element of the building that would have appeared discordant with the main form of the building has been removed and these apartments accommodated on the second floor. In addition the scheme has been revised to break the elevations down into smaller elements to reflect the domestic scale of buildings in the immediate area. A section has been submitted that shows the floor level of the building would be 1.5 metres below pavement level. Visually this would help to soften the impact of the building in the street scene.

The proposal, as submitted, is predominantly for a two storey building which would be consistent with the character of the area. The revision to reduce the foot print of the building in the south east corner of the site has enabled a reduction in the footprint of the building. The reduction in footprint has resulted in additional space on site to be used as a garden by residents and has also improved the appearance of the building in the street scene and the relationship of the building to its setting.

The proposed design of the west elevation would be an appropriate treatment for this building. The projecting gables finished in reconstituted stone would provide visual relief to the main elevation of this building, and would work to break up the mass of the building. The principle of using projecting gables would reflect the character of the nearby Churston village. The main entrance of the building would be located towards the northern end of the site. It would be distinguished

by a double height overhang. The eastern elevation of the building facing the railway line would have less external detailing as it would be less visible in the street scene. There would be a number of projecting balconies.

There was some concern about the quality of living accommodation that would be provided in a number of east facing apartments that would look directly on the existing trees. The amount of natural light that would be able to enter these apartments would have been limited. Therefore the architect was asked to consider whether the building could be moved to the west further from the existing trees. This has been achieved and the revised plan shows the building moved two metres to the west which will improve the residential amenity for occupants.

Para. 56 of the NPPF states that “good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people”. At paragraph 60 it is advised that “planning ..decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantial requirements to conform to certain development or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.

There is no objection to the overall design approach of the proposed development. Following submission of the application the architect has submitted a number of improvements to the siting and external appearance of the building which will improve both its appearance and function.

Environmental Enhancement -

In the design and access statement it is acknowledged that a quality landscape scheme should be provided as part of the application to provide a high quality of environment for residents that are likely to have reduced mobility and for outdoor recreational space to be available for occupants. The layout plan provides an indication of planting that will be carried out on the site, although this will need to be formally agreed when the landscaping scheme is submitted. There are acknowledged health benefits for the elderly of providing a good quality living environment and well planted accessible gardens would encourage outdoor activity. The proposed layout plan shows an area of private communal garden space would be provided in the south east corner of the site. A small patio area would also be provided adjacent to the communal lounge.

The existing line of mature trees along the eastern boundary would be retained as part of this proposal. They provide a distinctive and strong landscape feature in this part of the site. The arboricultural officer has advised that the proposed development is suitable for approval on arboricultural merit.

The railway land to the east of the site is designated as a wildlife site in the Torbay Local Plan 1995-2011. Under outline application reference P/2011/0829

the Environmental Statement considered this site in Appendix 6.8. It advised that the majority of the site was likely to be of limited value to foraging Greater Horseshoe Bats however the Torbay-Dartmouth Railway line to the east of the site was identified as a suitable commuting/foraging corridor for Greater Horseshoe Bats. It was stated that measures to avoid impacts upon this feature would be incorporated into the scheme design from an early stage. These measures included the provision of a timber fence (1.8m approx. in height) along this boundary to protect the wildlife corridor to prevent disturbance from light spill. In addition it was advised that any lighting should be kept to a minimum and where essential will be low level and directed away from the railway line so that disturbance to any commuting and foraging bats from light pollution is avoided. Other identified measures were the incorporation of bird and bat boxes on both trees along the eastern boundary of the site and the use of specially designed bricks to accommodate nests or bat roosts. The applicant has confirmed that the proposal would incorporate these measures as identified in the Environmental Statement.

Accessibility -

The submitted layout plan shows the provision of a new temporary access road from Dartmouth Road to serve the building. This access would require a separate planning permission and cannot be approved as part of this reserved matters submission. At the current time an application for the temporary access has not been submitted.

The applicant has advised that in order to obtain funding for the development it would be necessary to achieve a construction start in the summer of 2013 in order to achieve completion by the end of 2014. It would be possible to develop this site whilst the golf club remains in operation.

The highway engineer has advised that he would have no objection to the provision of the temporary access during the construction period, however there would be concern about use of this new access once the building is occupied. This is because the creation of an additional access onto a classified road would have an effect on the free flow of traffic along Dartmouth Road.

The implication of a permanent new access onto Dartmouth Road being inappropriate is that the implementation of this scheme is dependent on the outcome of the application for the new golf club house (P/2013/0019). In order that the applicant can be confident that the access to the whole residential site, as agreed at outline stage under application reference P/2011/0829, would be achievable by the time the building would be ready for occupation in early 2015, consent would need to be granted for an alternative clubhouse location. The applicant has advised that if application reference P/2013/0019 is not approved he would be unable to proceed with this application at the current as there would be no funding in place.

The proposed development would have 12 parking spaces, three of which would be allocated for disabled persons. In addition there would be a minibus drop off point and a space for delivery vehicles. The applicant advises that extra care schemes typically have minimal parking provision due to very low levels of car ownership by frail elderly residents with most spaces being available for visitors and staff.

The transportation team have advised that there should be a link from the application site to the bus stop and pedestrian underpass.

Conclusions

In conclusion, the proposed development, as revised, constitutes an acceptable form of development on this site. The layout and external appearance of the building would be acceptable in this location and would respect the established character and form of development in the area. As such it would be consistent with policies H9 and H10 in the Torbay Local Plan 1995-2011.

The applicant has indicated that a temporary access to Dartmouth Road would be required to construct the development, which would need to be the subject of a separate planning application. It would be inappropriate to allow this access to be used on a permanent basis for reasons of traffic flow along Dartmouth Road which is a classified road.

The implementation of this consent is tied to the outcome of application reference P/2013/0019 for the relocation of the golf club house. If this planning consent is not granted the funding availability for the proposed development is short term and may not be available.

Relevant Policies

-

Agenda Item 6

Application Number

P/2012/1338

Site Address

37 Long Wools
Paignton
Devon
TQ4 6HU

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Alterations and additions to form first floor bedroom and en suite accommodation

Executive Summary/Key Outcomes

This is a householder planning application and there have not been any objections received. However because the applicant is related to Councillor Excell (brother) it can only be determined by the Committee.

Recommendation

Approval

Statutory Determination Period

8 Weeks

Site Details

Detached bungalow which forms part of an estate of similar properties. It backs onto open countryside to the rear.

Detailed Proposals

Permission is sought to erect a box dormer with balcony to the rear of the property.

Summary Of Consultation Responses

None

Summary Of Representations

None

Relevant Planning History

ZP/2011/0676 Pre Application Enquiry Extensions and dormers Advised Split decision

Key Issues/Material Considerations

The application is presented to Committee because the applicant is the brother of Councillor Robert Excell.

The main issues with this proposal relate to visual appearance and whether there would be any adverse impact on the amenities of the adjoining occupiers. In respect of these issues there are other box dormers to the rear of nearby properties at No's 39 and 41. The property backs onto open countryside and therefore it will not be visually intrusive within the street scene. In terms of overlooking from the balcony, this will be brought in off the boundary and therefore overlooking will not be considered a problem.

Principle and Planning Policy -

The proposal meets the Criteria of Policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Economy -

The proposal will create job opportunities in the Construction Industry

Closing the gap -

No obvious issues

Climate change -

Efficient use of the roof space.

Environmental Enhancement -

No issues

Accessibility -

No issues

Vibrant Town Centres -

No issues

S106/CIL -
Not applicable

Conclusions

The proposed dormer and balcony are considered to be visually acceptable and will not have any adverse impact on the amenities of the adjoining occupiers.

Informative(s)

01. The proposed development has been considered against the criteria of Policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995 to 2011 and is considered to be an acceptable form of development.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
H15 House extensions

Agenda Item 7

Application Number

P/2012/1351

Site Address

Land At Yannons Farm
Off Brixham Road
Paignton
Torbay

Case Officer

Mr John Burton

Ward

Blatchcombe

Description

Approval of reserved matters (scale, appearance, layout, access and landscaping) for 56 dwellings (Phase B)

Executive Summary/Key Outcomes

The following items were reserved for future determination when the outline consent was approved - access, appearance, landscaping, layout and scale. This application now provides these details in respect of the first phase of residential development on the site (referred to as Phase B). Following minor revisions and subject to the submission of the revised plans, the detailed information provided is considered to be acceptable for planning approval.

There is a need for new housing in Torbay and this proposal provides a complete mix of types and sizes. It has been interspersed with good landscaping, particularly on the high ridge of the southern boundary. Parking is provided to standard. The proposal provides a good template for rolling out the other phases of development that have yet to be submitted.

Recommendation

The reserved matters are recommended for approval, subject to the receipt of the revised detailed plans as discussed with the applicants, pursuant to condition 1 on the outline consent (P/2010/0289/OA)

Statutory Determination Period

This is a 13 week application for which the decision due date is 21st March 2013. It is important that a decision is made before this date in this case, as a 13 week decision has been programmed for this application.

Site Details

The proposal site is part of a wider area of open land known as Yannons Farm, situated to the west of the main Brixham Road in Paignton. The site as a whole rises towards the south west with land beyond the ridge to the west being

designated as an Area of Great Landscape Value (AGLV). To the north of the site is the existing Sainsbury's superstore off Brixham Road, and to the south of the site lies South Devon College and the former Nortel employment site.

Detailed Proposals

The application site is part of a wider development site that was granted outline planning permission in 2010 for a mixed use development of approx. 220 dwellings, approx. 5,600 Sq. M. gross of employment (B1) floorspace, local centre and public open space with roads and car parking.

It is the Developer's intention to build the permission in phases, for which a detailed permission and application for Matters Reserved will need to be obtained. This application represents the first stage of that process and deals with land approved (in outline) for residential purposes to the rear of the Torbay Garden centre. In seeking consent for those matters reserved, the applicant is seeking a discharge of condition 1 (standard outline condition seeking approval to matters reserved) of the outline consent P/2010/0289.

On this basis, the applicant is now seeking a reserved matters approval for access, appearance, landscaping, layout and scale. The submitted plans show 56 dwellings, with car parking, some integral, some curtilage and some in parking courtyards. There is a mixture of 2, 3 and 4 bed properties, with 38 units being semi-detached properties, 16 terraced properties and two detached properties. Access to the new housing development is proposed via the approved junction (Ref: P/2007/1421) now nearing completion on Brixham Road.

Relevant Planning History

P/2012/1361	Non material amendment to condition 3 to application P/2010/0289/MOA - Layout, concurrent application not as yet determined.
P/2012/1246	Non material amendment to condition 4 of application P/2010/0289/MOA to allow for a phased submission of drainage details, application approved February 2013.
P/2012/1156	Variation of condition 11 to application P/2010/0289/MOA - wording to tree condition to allow for a phased submission of tree protection measures to correlate with each stage of the development. Application approved.
P/2012/1104/RM	Landscaping reserved matters for a 6257 sq. m. Pharmaceutical Manufacturing Unit (Use Class B1). Application approved 28th January 2013
P/2012/0815	Phase 2 road layout. Approved
P/2012/0705	Implement permission P/2010/0289/MOA without compliance to condition 13 - bat roost. Approved.
P/2012/0633	Approval of all reserved matters for a 6257 sq. m. Pharmaceutical Manufacturing Unit (use class B1) with

- P/2010/0289 associated external buildings. Approved
Mixed use development to form approx. 220 dwellings, approx. 5,600 sq. m. gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline) as a departure from the Torbay Local Plan. Approved 4th October 2011.
- P/2007/1421 Junction Improvements and Formation of New Access to Facilitate access to Land to the West (Resubmission of P/2006/0678). Approved 14th November 2008

Relevant history on adjacent site (Parkbay Garden Centre / Holly Gruit):

- P/2009/1287 Residential development to form approx. 95 dwellings with associated vehicle/pedestrian access, roads; footpaths (In Outline). Approved by Members at the committee meeting of 19 April, 2010 subject to conditions and a s106 legal agreement.

Relevant Policies

National Planning Policy Framework (March 2012).

Saved Adopted Torbay Local Plan (1995-2011)

- HS Housing strategy
- H6 Affordable housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- BES Built Environment Strategy
- BE1 Design of New Development
- BE2 Landscaping and design
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development onto the highway
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Planting and retention of trees
- L10 Major development and landscaping
- EPS Environmental protection strategy
- EP1 Energy efficient design

Adjacent land designations

- L2 Area of Great Landscape Value (AGLV)
- L4 Countryside Zone

Summary Of Consultation Responses

Devon and Cornwall Constabulary: (Architectural Liaison Division): Their comments are based on crime and anti-social behaviour issues only. They confirm that the development will be built to achieve part 2 'Secured by Design' compliance. However, the officer does not like the footpaths providing access to rears of properties, e.g. at plots 44 - 46 and 54 - 55. Gating would help prevent crime. Car parking areas e.g. to the east of plot 30 and behind plot are not well overlooked. Gable ended windows and trellis topped boundaries would improve surveillance. Planting e.g. along footpaths should not restrict surveillance opportunities. Boundaries to defensible spaces at the fronts should be kept low. Where gabion walls are proposed the stones should be large enough so they cannot be pulled through the mesh and used to for criminal acts. Full details are reproduced at page P.200.

South Hams District Council: No comments on the reserved matters.

Service Manager Drainage & Structures: Needs further trial holes and infiltration tests to confirm that the ground conditions are suitable for a S.U.D.S. scheme. Also needs further information on the design of the soakaways.

Highways: Has expressed some reservations about the middle road. The shown access/egress is not acceptable so close to the Parkbay junction, but if the road is bollarded off at this point (applicant's intention is to do so) then it will need a turning head not currently shown.

Negotiations are in hand and will be reported to Members.

Arboricultural Officer: Observations on the recent suggested amendments awaited, and will be reported to Members at the meeting.

Landscape Officer: Observations on the recent suggested amendments awaited, and will be reported to Members at the meeting.

Summary of Representations

2 letters of representation have so far been received from the public and they raise the following issues of planning merit:

- Prefer to see shopping or leisure centre not a business park. (This concern seems to relate to the PMU part of the site and not the submission for detailed consent for the dwellings)
- Do not want to see too many buildings. Need more green and nature.
- "These additional 56 dwellings on top of the 300 about to be built would be an overdevelopment". (There appears to be some misunderstanding here as the 56

dwelling) are not an additional amount but part of the 220 approved)

- Will lead to congestion. (Again this matter was dealt with in relation to the consideration of the outline application)

These are re-produced at Page P.200.

Key Issues/Material Considerations

Principle and Planning Policy -

The principle of developing this land with housing rather than the industrial uses zoned in the Adopted Local Plan has already been tested in the 2010 outline application. Members have agreed that the principle of residential development would be acceptable, and that the proposal met the terms of the relevant policies within the Saved Adopted Torbay Local Plan.

Since that time the P.P.G.'s and P.P.S.'s have been replaced by the National Planning Policy Framework (March 2012). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. It makes clear that proposed development which accords with an up-to-date Local Plan should be approved. However, it has introduced a presumption in favour of sustainable development. This application for approval and discharge of reserved matters and conditions will need to take on board the provisions of this new national policy framework.

The NPPF identifies three dimensions to sustainable development:

-- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

-- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

-- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Officers consider that the proposals forming this application will meet these essential requirements.

Design/layout

This application represents the first phase of the residential development at this site and it is proposed that this phase will give a 'blueprint' for the design and appearance of subsequent phases of residential development. This site slopes up from the North (the Sainsbury's end) to the higher ground at the South (by the college football pitches).

This first phase seeks detailed consent for 56 dwelling houses, some with integral or in-curtilage parking, others with shared facilities in designated parking courts. This phase is finished with a finger of shared parking and green open areas that will act as an environmental buffer between this phase and the next. The shared parking in this area is screened by pergolas to improve the 'green' credentials of this buffer zone. Officers consider this to be a good solution. The theory is to replicate these green fingers throughout the site in a north/south direction to give the development a more open and landscaped feel, as well as acting as green movement routes for pedestrians from the north of the site to the hill top park that will eventually be provided in the south.

The properties are shown as being a mixture of 2, 3 and 4 bed properties, with 38 units being semi-detached properties, 16 terraced properties and two detached properties. The larger properties have integral parking, the rest is either curtilage parking or using the parking courts. The dwellings are shown finished with a mixture of self coloured render, natural sandstone plinths (front elevation), self-coloured weatherboarding, grey UPVC windows, and artificial slate. These materials have been chosen following discussions with officers and they are now considered to be acceptable.

Full levels, finished floor levels, and proposed gradients are given. This is also required by condition 1 of outline consent P/2010/0289.

It is understood that there are no affordable houses in this phase. However, the delivery and phasing of affordable housing is controlled by the s106 that was signed in relation to the outline consent.

Landscape impact

The outline approval established that the site was ideal for development in landscape terms due to it being surrounded by development on 3 sides and being immediately adjacent to the Brixham Road. However, it was considered important to ensure that the development is adequately screened from the adjacent AGLV and wider landscape views to the west.

This will become more important as the applications are lodged for later phases of development, as these will face out over the open countryside of the South Hams. The crucial point with this phase is the high ridge in the south. There is already some boundary planting at this point, and it is the developer's intention to make this more robust by the provision of additional structural tree planting of native species.

Details are provided of the species, the planting arrangements, spacing, tree pit details, protection and planting methods. The Council's Arboricultural Officer is currently checking the detail and his final views will be reported to Members. He has however been involved with the on-going negotiations and it is therefore expected that he will recommend approval to these details.

Highways Access

The proposed development will be accessed off the main highway network via the approved cross road junction on the Brixham Road (A3022) opposite Roselands Drive which is currently under construction. A short access road leads off from this and then to a roundabout, beyond which this application site lays. This phase is located immediately to the south of the site's main access spine road, which runs approximately east-west. This spine road forms the northern and eastern boundary to this phase of development.

To the South of the spine road there are two access roads, the northern most of which will be bollarded off. Highways officers are currently concerned about this element of the scheme and resolution is being sought to ensure that highways safety is maintained.

The southern route will eventually give access to the hill top park and some general parking for this facility is included in this phase. The 'green-finger' at the end of this phase includes an in/out movement system for vehicles around a central landscaped square and parking area, so that delivery and waste collection vehicles can turn appropriately.

The Highway Engineer has expressed some reservation about the widths of this turning facility and his further views and final recommendations will be reported to Members. The Authority will need to ensure that the relevant s38 agreement is obtained guaranteeing that the roads are built to adoptable standards.

s106

This was appropriately and entirely dealt with at the Outline stage and so there is nothing outstanding that requires any attention at this Reserved Matters Stage.

Sustainability

The proposed development will provide additional housing within an area identified for development on the main arterial route between Paignton and Brixham. The approved junction scheme also includes a new bus stop proposed on the Brixham Road, however, there will be a need to improve existing bus routes and services in order to make the site sustainable in transport terms. The site is close to Roselands School and to the local supermarket at Sainsbury's and is within walking distance of both. The site is also sequentially preferable in flood risk terms to other sites, since it falls within flood risk zone 1.

It is considered that the development of this site for 56 dwellings together with the green and open spaces it contains is, therefore, a sustainable use of the land.

Conclusions

The details of the access, appearance, landscaping, layout and scale for these 56 dwellings are considered to be acceptable to officers. It is therefore recommended that the reserved matters can be approved, subject to the receipt of revised detailed plans. The applicant will still need to ensure that other conditions on the outline consent are satisfied. This process has already begun with some conditions already having been discharged and others under negotiation.

Informative(s)

01. The permission hereby approved gives reserved matters approval to the access, appearance, landscaping, layout and scale for these 56 dwellings (phase 1) only. The applicant is hereby reminded of the need to comply with all of the relevant conditions accompanying outline permission P/2010/0289, before development commences.

Relevant Policies

-

Agenda Item 8

Application Number

P/2013/0112

Site Address

Unit 10 Sunhill Apartments
19 Alta Vista Road
Paignton
Devon
TQ4 6DA

Case Officer

Mr Alistair Wagstaff

Ward

Roundham With Hyde

Description

Removal of condition 1 to application P/2003/0571/PA and condition 1 to application P/2004/0038/PA to change from holiday let to residential permanent use.

Executive Summary/Key Outcomes

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 12 holiday apartments all other units have been approved to allow permanent residential uses.

Recommendation

Approval

Statutory Determination Period

8 weeks due 29th March 2013

Site Details

Block of 12 holiday apartments situated on the south side of Alta Vista Road. Specifically this application relates to unit 10 of the flats.

Detailed Proposals

Permission is sought to vary conditions of the original planning applications

(P/2004/0038) and (P/2003/0571) for the holiday apartment to allow unit 10 of the flats to be used as unrestricted residential dwelling.

Summary Of Consultation Responses

Natural Environment Services: These funds should be allocated to Roundham Cliff Gardens which is within the required distance.

This would go towards the development of a grounds maintenance management plan specific to the Cliff Gardens. This management plan will then be used for the development and enhancement of the Cliff Gardens

Summary Of Representations

None yet received (verbal update to be given to Committee)

Relevant Planning History

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0271	Change of Use from Holiday Use to Residential Use Flat 11 Sunhill Refused 26th September 2011
P/2011/0215	As above Flat 2
P/2011/0437	As above Flat 3
P/2011/1202	Change of use Flat 2 Sunhill Approved 13 December 2011
P/2011/1197	As above Flat 3
P/2011/1192	As above Flat 11
P/2012/0396	As above Flats 1, 4, 5, 6, 7, 8, 9, 12

Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of

Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA

Key Issues/Material Considerations

The starting point for consideration is the fact that the property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. This usually resulted in refusal to grant planning permissions to change uses from holiday accommodation to permanent residential occupation.

This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The premises, are not all in the same ownership and all the other units in the block have already been approved for permanent residential use so there is little scope for improving the holiday facilities. It is also deemed that the single apartment has restricted bedspace capacity as a single unit.

There is a mix of holiday and residential uses in the area and therefore there is

not an overall strong holiday character. The principle of converting these units from holiday to residential has already been established and as such it is considered to be acceptable.

It is considered that a change from holiday to residential is unlikely to impact on the holiday character and atmosphere of the area as the single apartment has a limited functionality as holiday accommodation.

Suitable on site parking is available to accommodate the residential units and is located to the rear of the premises and accessed via a driveway to the side elevation.

It is therefore considered that the proposed change would meet all the test criteria of Policy TU6.

As a result of recent changes in holiday trends and more importantly the recent severe economic problems, policy TU6 has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas. This site sits within Roundham Road PHAA which was identified as a green area. Para 3.17 of the Revised Guidance states that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

The other key consideration is whether the unit provides a satisfactory environment for permanent residential occupation. In this instance the proposed unit offers a good standard of residential accommodation.

In view of this fact and the other approval in place at this property the proposed residential occupancy of this unit is considered to be acceptable.

Principle and Planning Policy -

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area
Policy CF6 Community Infrastructure Contributions
Policy CF7 Education Contributions

Economy -

Potentially would result in permanent occupancy contributing to vibrancy.

Closing the gap -

No Change

Climate change -

Use of existing property

Environmental Enhancement -

No external alterations

Accessibility -

No Change

Vibrant Town Centres -

Permanent residents will use the town centre

S106/CIL -

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal.

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery') and subsequent updates. The result of this assessment is that the following contributions will be required;

FINANCIAL CONTRIBUTION:

Waste Management	£0
Sustainable Transport	£0
Lifelong Learning	£0
Greenspace and Recreation	£380 (Included 50% discount for change of use from Holiday Accommodation to Residential)
Education	£0

South Devon Link Road	£1,720 (please note the figures above have been reduced down to allow this contribution as per Planning Contribution SPD update 4 requirement)
Total	£2,100
5% Administration fee	£ 105
<u>TOTAL FOR DEVELOPMENT</u>	<u>£2,205</u>

5% Discount for early payment = £110 £2095 payable as an up-front payment

Due to the limited remaining fund once the South Devon Link Road has been deducted (£380) this amount had been allocated to sustainable transport measures and green space and recreation, however Sustainable Transport have confirmed that the amount available is insufficient to fund any measures as such this amount has all been re allocation to green space and recreation.

Conclusions

When this proposal is tested against policy TU6 of the Saved Adopted Local Plan, the revised guidance on this policy and the recent appeal decisions, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

TU6, CF6 & CF7

Relevant Policies

TU6 Principal Holiday Accommodation Areas
 CF6 Community infrastructure contributions
 CF7 Educational contributions

Application Number

P/2012/1103

Site Address

Woodah
377 Babbacombe Road
Torquay
Devon
TQ1 3TB

Case Officer

Mr Alexis Moran

Ward

Wellswood

Description

Formation of new house in grounds of existing house with vehicular and pedestrian access off Lydwell Park Road

Executive Summary/Key Outcomes

The application comes before this Development Control Committee at the request of the Chair.

The application relates to the addition of a new dwelling to be located next to the existing property which is located on a steep section of the site, vehicular access is provided on to Lydwell Park Road.

Although the siting, massing and design of the property is considered to be acceptable, insufficient evidence has been provided to determine whether the proposed access and driveway would affect the trees which are protected by a Tree Preservation Order. It is critical that this information is submitted and agreed prior to any positive recommendation, given the visual prominence of the trees it is not considered that the information can be submitted via a condition.

In the absence of this information the recommendation is to refuse the application.

Recommendation

Refusal

Statutory Determination Period

24 November 2012 – this application has expired due to the loss of the previous officer to secondment and to allow the applicant to provide additional information.

Site Details

The site, Woodah, 377 Babbacombe Road, Torquay, is a detached residential property located within a large plot which is covered by an area Tree Preservation Order.

Detailed Proposals

The application seeks permission for the addition of a new dwelling with a vehicular and pedestrian access off of Lydwell Park Road.

The proposed dwelling is to be located next to the original property, to the North of the site, which is on steeply sloping land. The proposed dwelling will comprise of a ground floor garage and utility room with a first and second floor of living and leisure accommodation.

Summary Of Consultation Responses

Highways Officer: The visibility requirements were calculated following a speed survey and are satisfactory therefore the Highway Department have no objections to this application. For access to the parking area a formal footway crossover would need to be constructed under licence to the highways department by a contractor who is suitably qualified to work on the Public Highway with the relevant £5million public liability insurance.

Strategic Transportation: Request that the SPD is applied to provide a contribution of £3,610 (in line with the table found in Appendix 1 of Planning Contributions and Affordable Housing SPD Update 3) based on the creation of a new dwelling in excess of 120m². This contribution will support the enhancement of walking and cycling links in the area of the development, connecting with the nearby Local Centre on Ilsham Road and National Cycle Network. This will provide improved sustainable links locally through walking and further afield through cycling in a safe and accessible way. This accords with the Local Authority policy document aiming to improve sustainable transport opportunities and enabling travel by sustainable modes, particularly for short journeys. The works are described within the Local Transport Plan 3, Devon and Torbay Strategy 2011-2026 and is a Foundation Scheme detailed within the Local Transport Plan 3 Implementation Plan (Part B: Torbay) March 2011, section 7 – particularly 7.1 and 7.2. At least one secure cycle parking space should be available for each dwelling. If within a garage(s), the bike(s) must be accessible with a car still inside. If a new separate store such as a shed is proposed, it should have a secure lock and be separate to the bin storage area.

Arboricultural Officer: The information submitted is insufficient to prove what impact there would be on tree roots as a result of the construction of the driveway. Other than the detail regarding how construction and final access would be dealt with all other matters had been addressed by their arboricultural consultant. Unfortunately, the Local Authority would be unable to recommend this to be suitable to be discharged by conditions and unable to support any application unless the required information was submitted.

Summary Of Representations

14 letters of objection were received, the majority of these raised issues of highways safety in relation to the new vehicular access. Other issued raised related to:

- Noise
- Loss of privacy
- Loss of trees
- Overbearing

These letters have been re-produced at Page T.200.

Relevant Planning History

ZP/2011/0662 House in grounds of Woodah, a positive officer response was given 26.10.2011

ZP/2011/0391 House in grounds of Woodah, a negative officer response was given 07.06.2011

Key Issues/Material Considerations

The key issues to consider in relation to this application are its massing, height, layout, the impact it would have on the character and appearance of the streetscene, the amenity and privacy enjoyed by the occupiers of neighbouring properties and the effect on the trees which are the subject of a Tree Preservation Order.

It is considered that the proposed design, siting and massing of the proposal would be acceptable.

Due to the level of the proposed dwelling in relation to its neighbours it is not considered that its addition would have a significant impact on the privacy and amenity of neighbouring properties to the extent of warranting a refusal. The relationship to the existing property is considered to be acceptable.

Provided that evidence could be submitted to determine the level of impact there would be on the trees, the proposal would not have a significant impact on the character and appearance of the streetscene in the area.

Although a number of letters objected to the new vehicular entrance of highways safety grounds, the Highways Officer has not objected to the proposal and it is therefore considered to be acceptable.

Regardless of the above points, it is not possible to recommend the application for approval without further information in relation to the impact of the driveway on the trees which are the subject of a Tree Preservation Order. This information has been requested but has not been submitted as such the application must be

recommended for refusal.

S106/CIL -

As part of this process the application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay, in order to make the development acceptable in planning terms.

In this instance, the SPD indicates that a financial contribution will be required. A calculation of the contribution, based on the type and size of development proposed and including any relevant mitigation, is provided below:

FINANCIAL CONTRIBUTION:

Proposed Dwelling		
Waste Management	£	50.00
Sustainable Transport	£	3610.00
Lifelong Learning	£	470.00
Education	£	1660.00
Total	£	5790.00
5% Discount for early payment = payable as an up-front payment	£	290.00
	£	5500.00

This calculation has been undertaken in accordance with the Council Adopted Planning Contributions and Affordable Housing Supplementary Planning Document and updates thereof and complies with both the Community Infrastructure Levy (CIL) Regulations and National Planning Policy Framework (para 204) tests of reasonableness as being:

- a) Necessary to make development acceptable in planning terms.
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

As such negotiations on this amount are non-negotiable without full open-book viability assessments

Conclusions

Without sufficient arboricultural information being submitted the proposal is not considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

- 01. Insufficient information has been submitted to ascertain the impact the

construction of the driveway would have on the trees on the site which are the subject of a Tree Preservation Order and as such the proposal does not satisfy that the scheme is concomitant with policies L8 and L9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

- H9 Layout, and design and community aspects
- L8 Protection of hedgerows, woodlands and o
- L9 Planting and retention of trees
- BES Built environment strategy
- BE1 Design of new development

Agenda Item 10

Application Number

P/2013/0041

Site Address

Firsleigh
Higher Warberry Road
Torquay
Devon
TQ1 1RY

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Erection of a dwelling with vehicular and pedestrian access to Sutherland Road on land adjacent to Firsleigh

Executive Summary/Key Outcomes

The development of garden plots within the setting of Listed buildings and within Conservation Areas is normally resisted and the development of this plot has been defended successfully at appeal 3 times over the last 25 years. Reaching an alternative conclusion on the site arises for a number of reasons.

- The design is subtle, discrete and conceived to sit within the landscape character of the plot. This is in contrast to previous proposals on the site.
- It has been demonstrated through a comprehensive Heritage Statement that the heritage assets, ie the setting of the listed building and the character of the conservation area are not harmed by the proposed development.
- There is now a presumption in favour of sustainable development in the NPPF and this small dwelling is conceived along Passivhaus principles.
- The NPPF recognises a role for enabling development whereby 'costs' of a scheme on heritage assets can be mitigated by wider benefits. A key feature of the conservation area in this location, the stone boundary wall, is compromised by structural problems that will worsen in time. The site has been in 'speculative' hands since 1989 and no care has been taken of the plot or its boundaries or trees. This is an opportunity to secure long term maintenance of the site and the 'cost' is a discrete opening in this characteristic wall. This is achievable as design standards in relation to such matters are now more relaxed. The garden rooms are also an historic feature which have been long neglected and there is a value in achieving their restoration and future use.

The site has been in separate, speculative ownership for 25 years and this neglect will only continue in the event that a viable future use is not found. The quality of the scheme, coupled with the comprehensive assessment of its impact

and its conclusion that it would be 'neutral' suggests that on balance planning permission should be granted. This should not act as a precedent for other similar sites to come forward as it is considered there are particular reasons why permission should be granted in the circumstances of this particular site.

Recommendation

- A. Site Visit.
- B. Approval; subject to conclusion of a S106 agreement to secure the contributions listed below and to the itemised conditions.

Site Details

The site forms part of the former garden area to Firsleigh, Higher Warberry Road. It is a Grade II listed building.

The Villa was subject to extensive works to level the main part of the garden at some point between 1904 and 1933 according to historical maps. These works required the construction of a substantial stone retaining wall which runs across the width of the garden some 25m. distant from the main villa.

This retaining wall forms the northern boundary of the application site which sits 4m below the level of the villa's retained garden. The site is bounded to the south, east and west by substantial stone boundary walls around 2m in height. Sutherland Road runs along the southern boundary and a pedestrian thoroughfare runs up the western boundary. To the immediate south west of the site sits 'Tenerife' a multi storey residential block constructed in the 1960s. To the east, constructed within the plots of adjacent villas is more recent bungalow development.

The site is level, contains several TPO trees adjacent to the western boundary of the site with the balance neglected and overgrown. Stone steps and paths link this with main villa garden.

The site was sold off into separate ownership in 1989 some 5 years prior to being listed.

Its position just below Warberry Copse means that it is not widely overlooked and the high walls and hedging largely obscure views into the site.

The applicant is an architect with Kay Elliot Architects who works closely with Council officers, is handling schemes that involve Council owned land and is a member of the Councils Design Review Panel. In the interests of transparency it is thought appropriate that the decision is made by DMC following a site visit.

Detailed Proposals

The scheme proposes the construction of a single storey dwelling with garage to 'passiv haus' principles, refurbishment and inclusion of 'garden rooms' in the retaining wall separating the application site from the main villa. The proposal also includes the creation of a vehicular access from the site to Sutherland Road by demolishing a section of stone boundary wall to the south west of the plot. It involves felling of 2 trees; a Turkey Oak which has been damaged by past topping and a poor quality Pendunculate Oak. Management proposals for the remaining Trees are included.

Summary Of Consultation Responses

Conservation Officer: Considers that the benefits of the scheme, on balance outweigh the disbenefits that would normally accompany the construction of a dwelling within garden areas of listed buildings or within Conservation areas.

Highways: Obs awaited

Tree Officer: Obs awaited.

Summary Of Representations

At the time of writing one letter of support has been received and one letter of objection concerned at traffic impacts. 2 letters raise concerns if the matter were to be determined under delegated powers given the history of the site. These letters are re-produced at Page T.201.

Relevant Planning History

Firsleigh was listed in 1994. The lower garden plot was sold off for development in 1989.

There is a long history of attempts to obtain permission for development on this site and associated appeals have all been dismissed.

83/0A/1426: Erection of 2 single storey dwellings: Refused as contrary to Town map and would have led to loss of trees and length of stone boundary wall. Subsequent appeal dismissed due to impact on spacious character of Conservation Area.

P/1987/0457: Erection of detached 2 storey dwelling: Refused. Subsequent appeal dismissed due to loss of open character, crowding this attractively landscaped corner and loss of 5 m of stone wall to create vehicular opening and reduction to half height along 20 m length of stone wall.

- P/1989/0208: Erection of single storey bungalow with vehicular access: Refused as contrary to Town Map and loss of length of stone wall and trees.
- P/1997/0454: Erection of single storey dwelling and vehicular access. Refused, due to adverse impact on character and appearance of the Conservation Area and on setting of Grade II listed building, loss of boundary wall and possible future loss of trees. Subsequent appeal dismissed on the grounds of 'significantly adverse effect' on the character and setting of Firsleigh and on the Warberries Conservation Area

Key Issues/Material Considerations

The key issues are the effect of the development on the setting of the Listed building and its grounds and on the character of the Warberries Conservation Area.

In March 2012, planning policy changed with the introduction of the NPPF. This includes a presumption in favour of sustainable development and in relation to development concerning 'Heritage Assets' requires an application to demonstrate, through a 'Heritage Statement' an understanding of the historic development and significance of a site and its setting. The aim of the Heritage Statement is to help the LPA assess the potential impact of the proposed scheme on the significance of the heritage asset. In this case, the heritage assets are the setting of the listed building and the Conservation Area.

A comprehensive overview has been provided, based on desk top and field evaluation, of the appearance and character of these heritage assets, the historic development of the site and the impact of the proposed scheme on its significance. This document concludes that the impact of the development will be neutral. This is due to the careful contextual design with regard to the positioning of the building on the plot, its scale and mass and that it will sit comfortably in its landscape setting and not impose on views of the listed villa.

Firsleigh was built in the 1870's on the Palk Estate and was one of a group of 6 Villas built on land between Higher Warberry Road and Sutherland Road. Access was from Higher Warberry Road and these properties had extensive gardens running down to Sutherland Road with the lower gardens retained as natural woodland providing an appropriate 'picturesque' landscape for the Italianate Villas.

Firsleigh's gardens were remodelled at some time between 1904 and 1933 by the construction of a substantial retaining wall to create 2 level lawned areas. The lower area, the application site, was sold off in 1989, 5 years prior to the

listing of the property. A barbed wire fence was erected to define the new 'plot' and remnants of this are still visible today. Since this time several attempts have been made to develop this plot but all have been refused planning permission and 3 appeals have been dismissed.

It is necessary to consider the existing character of the site and what it contributes to the value of the area, whether this is compromised by the proposed development and whether there are new material considerations to take into account in reaching a determination.

Sutherland Road is quite unique in that it is the only road in the tiered drives of the Warberries designed not to give access to any main entrance only to the service courtyards of Middle Warberry Road Villas. As a consequence, it would have been strongly defined by characteristic stone boundary walls with only limited and subservient openings. Whilst this has been eroded over the years, particularly by the row of bungalows to the east of the application site, this plot retains these key features and is bounded on all its public sides by high natural stone boundary walls.

Despite the remodelling of the gardens in the early part of the 20th century, the site has always had a role as a landscape feature and has been a foil for views up to the listed building. It is currently overgrown rather than the 'picturesque woodland' described in the Heritage Statement.

It was the loss of these defining features, ie stone boundary walls and landscape character that largely formed the basis of previous reasons for refusals of planning permission. It is important to consider to what extent this proposal allows this function of 'enclosure' and 'landscape' to continue.

The Design and Access statement describes an intention to 'create a building which reinforces the historic landscape and causes no harm to the setting of the adjacent villa and wider conservation area'.

The design is conceived as a single storey, green roofed 'garden pavilion' to a contemporary design which, through its form and use of materials; natural stone walls, timber and with large expanses of glazing set in a render framework, sits unobtrusively within the landscape character of the plot.

The building is to be positioned to the rear of the site and away from the boundaries to the plot allowing the existing somewhat degraded tree growth that defines the western boundary of the plot to be retained and properly managed. This comprises Scots Pine, Holm Oak and Beech which are typical of the Victorian landscape and reflects the original wooded character of the lower part of the site.

The dwelling is set well below the garden level of Firsleigh and is backed by the

retaining stone wall constructed in the early part of the 20th century. This is in itself an attractive structure, and interestingly, when constructed contained 2 'garden rooms' which extend beneath the garden of Firsleigh and which have long fallen into disrepair. These are featured on the retaining wall by small timber doorways and windows which are as originally built. The scheme, comprising a small dwelling and garage is arranged around a courtyard which centres on these long forgotten garden rooms which will be restored for domestic use and provide a focal point for the scheme and courtyard.

Bounded by high stone walls and with dense hedging there are only limited public views of the site. Due to its elevated position high on the hill and overlooking the surrounding valley, the site is not widely overlooked and so does not in itself contribute to the spacious character of the Conservation Area as it is not prominent in public views.

The ground levels within the site are higher than the street level and these are to be reduced by about 0.5 of a meter to achieve optimum screening. It is important that the hedging and soft landscape to the boundaries of the site is retained so the levelling will be restricted along critical areas.

The Heritage Statement evaluates impact of the development on the setting of the listed building and this concludes that the impact is not harmful. This, it is argued, is based on the design intention of the villa and the historic views in and out of the site. As originally constructed, the villa would have had its lower slopes covered in woodland and this would have enabled only glimpses of the building through the trees when viewed from the Sutherland Road. The discrete design and positioning of the building coupled with the opportunity to retain and manage its woodland setting will enable this character to continue.

In terms of wider views, the villa has its main outlook due south, and does not directly overlook its gardens thus there will be no impact on primary views of the villa from areas to the south of the site.

This proposal does include loss of a section of stone wall to facilitate vehicular access and this formed a key reason for refusal in previous schemes. In all previous applications the loss of the stone wall was substantial in order to comply with what was then considered necessary to achieve adequate visibility. This involved demolition of a substantial area of wall, a set-back to achieve a splay and a reduction in height to allow full visibility. Highway standards in urban areas are not now so prescriptive and flexibility is allowed to reflect differing traffic conditions and the need to retain historic character. This application has sought to minimise loss of historic fabric, there is no splay and no reduction in height and it is to include historically appropriate gates to ensure that the sense of enclosure is retained notwithstanding the loss of a small section of wall. Highways are happy with this as the road is very quiet and not heavily trafficked.

There is some question over whether the boundary wall is in fact part of the curtilage of the listed building. The applicant's consultant argues that as the garden plot was in separate ownership at the time of listing, and visibly such due to the barbed wire fence, then the lower garden area cannot be regarded as formally comprising part of the listed curtilage. If not technically a curtilage structure, then the small stretch of wall could be demolished without the need for Conservation Area Consent since it is not sufficient in extent for it to qualify as 'substantial demolition'.

Legal opinion on this matter is that as the Inspector, in the 1997 appeal decision, argued that the lower garden area should be regarded as forming part of the listed curtilage due to the linkages between the two, then the wall should be regarded as being protected by the listed status of the property as a whole. This is an area of legal complexity and there is much case law on what technically constitutes curtilage structures and the extent of protection.

However, the walls in question have deteriorated in condition since the site was sold off in 1989 and a Structural Engineers report highlights that stone work is loose and needs reinstatement before it falls onto the public highway, towards the eastern end of the wall the condition deteriorates and needs to be rebuilt as there is movement and in order to overcome this, ground levels need to be reduced inside the plot and the wall possibly taken down and rebuilt. The engineer suggests this will worsen with time.

In view of this, it seems reasonable to suggest that a small reduction in historic fabric, providing it is sensitively handled is more than compensated for by certainty over the long term maintenance of this stretch of wall and conditions can be imposed to ensure that a good quality repair and reinstatement is carried out.

Of the schemes that have previously been considered, all suffered obvious failings in terms of the scale and prominence of the development and consequent impact on stone wall and trees. The argument, put simply was that an extension of the bungalow development to the east of the site should be acceptable given the context of the site.

This application differs in that it has taken the constraints of the site to heart and sought to develop a low impact scheme that allows its key functions in terms of landscape and enclosure to continue.

There has also been a recent and material change in planning policy which needs to be considered. The NPPF indicates that sustainable economic growth is at the heart of good planning and it includes a presumption in favour of sustainable development. This scheme is designed to deliver a low energy home through adopting a fabric first approach based on Passivhaus principles. The orientation of the building allows it to maximise solar gain and the insulation

levels are such that heat loss is minimised. Other efficiency measures in relation to water disposal etc are also to be included.

The NPPF also recognises a role for ‘enabling development’ whereby the ‘costs’ of a scheme on heritage assets can be mitigated by wider benefits. In this case, the future maintenance of the boundary walls can be assured, trees will be looked after and the garden rooms, which are key historic features and neglected will be restored and form a focal point for this discrete garden pavilion scheme. The site has been in separate, speculative ownership for 25 years and this neglect will only continue in the event that a viable future use is not found. The quality of the scheme, coupled with the comprehensive assessment of its impact and its conclusion that it would be ‘neutral’ suggests that on balance planning permission should be granted.

S106/CIL -

S106 contributions in line with the adopted SPD are required and will be as follows:

Waste:	£ 50
Sustainable Transport	£2710
Education	£1240
Life long learning	£ 410
Greenspace	£2370

Conclusions

The development of garden plots within the setting of Listed buildings and the Conservation Areas are normally resisted and the development of this plot has been defended successfully at appeal 3 times over the last 25 years. Reaching an alternative conclusion on the site arises for a number of reasons and providing they are clear and justified should not act as a precedent for other similar sites to come forward.

- The design is subtle, discrete and conceived to sit within the landscape character of the plot. This is in contrast to previous proposals on the site.
- It has been demonstrated through a comprehensive Heritage Statement that the heritage assets, ie the setting of the listed building and the character of the conservation area are not harmed by the proposed development.
- A key feature of the conservation area in this location, the stone boundary wall is compromised by structural problems that will worsen in time. The site has been in ‘speculative’ hands since 1989 and no care has been taken of the plot or its boundaries or trees. This is an opportunity to secure long term maintenance of the site and the ‘cost’ is a discrete opening in

- this characteristic wall as design standards in relation to such matters are now more relaxed.
- The garden rooms are an historic feature which have also been long neglected and there is a value in achieving their restoration and future use.

For these reasons it is thought that permission should be granted.

It is important to secure the following by condition:

1. the reconstruction/reinstatement of the boundary wall,
2. retention of boundary planting,
3. details of restoration of garden rooms,
4. management of trees,
5. samples of materials,
6. 1: 20 details of key features,
7. sustainability audit,
8. no p.d.,
9. tree protection measures to be in place prior to commencement.

Relevant Policies

-

Application Number

P/2013/0046

Site Address

Headland Hotel
Daddyhole Road
Torquay
Devon
TQ1 2EF

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Excavation of land up to a depth of a metre to create a 20 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities

Executive Summary

The proposal involves the excavation of an area of Daddyhole Plain to create a 20 space car park and coach parking to serve the Headland Hotel. The site is sensitive. It is Urban Landscape Protection Area, Conservation Area, within an Area of Great Landscape Value, Coastal Preservation Area and County Wildlife Site. It abuts a SSSI.

A similar proposal was considered by DMC in November 2012 but was recommended for refusal as it was not considered that the package of mitigation to the wider area was sufficient to compensate for the erosion of landscape quality through creation of car parking spaces along the verge way.

Members were asked at that meeting for a 'steer' on the scheme as officers felt there might be some merit in the proposal if it:

- a) demonstrably underpins the future viability of the hotel,
- b) delivers an adequate and appropriate mitigation strategy to upgrade the coastpath network and the quality of adjacent 'higher value' landscape on the headland, and
- c) delivers replacement public parking and achieves some resolution of the ongoing problems of coaches reversing down Daddyhole Road.

An acceptable package has now been negotiated which delivers a comprehensive scheme to upgrade the SWCP, upgrades the quality of the wider landscape on the major part of the headland, delivers replacement public car parking, and achieves resolution of the coach reversing problems that have caused the residents of Daddyhole Road concerns over the years.

The proposal is supported by the TCCT, the SWCP, and Torbay Civic Society. At the time of writing there has been no adverse comment from the public unlike the previous application.

Other funding streams are available to supplement the contribution to be made by the owner of the Headland hotel including European funding and unspent S106 money from the Dorchester hotel scheme, which will allow a comprehensive upgrade of the SWCP from Meadfoot, along Rock Walk to the Imperial Hotel.

Recommendation

Site Visit; Conditional Approval; delegated to the Executive Head of Spatial Planning (to resolve detailed wording of conditions); subject to the conclusion of a S106 Agreement to pay SWCP £20,000 to carry out the works detailed in the body of the report and to secure the maintenance works, to TCCT specification, to be carried out over the area described for a period of time commensurate with the terms of the lease. The s106 agreement to be completed within 3 months of the date of this committee meeting or the application be refused for reasons of the lack of a s106 agreement.

Conditions will be required in relation to the laying out of the coach turning area in the forecourt of the hotel, landscape details and implementation of approved scheme, samples of stone and construction detail of wall, tree protection measures and implementation of extended public highway to facilitate coach turning prior to use of car parking spaces.

Statutory Determination Period

The statutory determination period for this application is 8 weeks and it expires on 14 March 2013. However, in this case it is likely that more time will be required to reach agreement on the 106 provisions and, provided this can be resolved within 3 months from the date of this committee it is considered to be acceptable in this case to allow the application to be determined over time. This is due to the desire to deliver the commensurate benefits that the scheme proposes.

Site Details

The site comprises an area of land approximately 44 m long and 6 m wide located opposite the Headland Hotel, within Daddyhole Plain. The application site is within the Lincombes Conservation Area, it is an Urban Landscape Protection Area, an Area of Great Landscape Value and it is within a County Wildlife Site. It abuts a SSSI which is designated for its vegetation which is mainly unimproved grassland. The South West Coast Path [SWCP] passes the eastern boundary of the site. It currently has an attractive landscape character with scrub, grassland trees and hedges. Public car parking is currently available along the public

highway which forms the northern boundary of the site. The land is Council owned. The SSSI is managed by TCCT.

Detailed Proposals

The scheme proposes to excavate the area of land to create car parking for 20 cars and to include an area for coach parking. The depth of excavation varies from around a meter at the western end of the site to some infill at the eastern end. It is proposed to enclose the car parking area with a Devon Bank topped with native hedging and to surface it with 'grasscrete' or similar. There is some loss of existing planting including a Larch tree and Hawthorn. The proposals include some minor extension of public highway to facilitate coach turning within the front forecourt of the hotel.

Summary Of Consultation Responses

English Heritage: Does not wish to comment.

Natural England: Obs awaited.

Torbay Coast and Countryside Trust: Support the proposals.

South West Coast Path: Support the proposal.

Torbay Development Agency: Support the principle as it would support the future viability of the Hotel.

Drainage: Want details of drainage system to be used.

Highways: Are satisfied that the scheme will secure a solution to the coach reversing problem. Are satisfied with the replacement public car parking to be included within the scheme but will need a car parking agreement to be entered into.

Summary Of Representations

There have been only letters of support on the basis that there is a guaranteed wider benefit to the SWCP and to local landscape character to mitigate for the car parking area, and on the basis that the scheme helps secure a solution to the reversing coaches saga that has plagued the road. Support comes from the Torbay Coast and Countryside Trust, the South West Coast Path Association, the Community Partnership, Torbay Civic Society and local residents. Copies of these are re-produced at Page T.202.

Relevant Planning History

Permission has been granted in the past to allow more car parking on the site.

P/2006/0661: Construction of 17 space car park to forecourt of hotel:
Approved February 2006.

This followed 2 earlier refusals of planning permission for a 19 space car parking area due to the impact on trees.

A large stone planter which formed the front boundary to the hotel was demolished several years ago without Conservation Area Consent. This area now forms an unauthorised addition to the existing car park.

Key Issues/Material Considerations

The key issues were rehearsed in some detail in the previous Committee report which is attached for information. They were in summary:

1. Impact on landscape character.
2. Need for additional car parking.
3. Loss of public spaces.
4. Use of existing public car parks to serve the hotel.
5. Whether it is justified to use public land to provide private car parking.
6. Impact on users of SWCP.
7. Likelihood of resolving coach reversing problems.

The conclusion of the report was that a scheme to provide car parking in this location was only likely to be acceptable if the following were satisfied.

1. The need for the additional spaces is justified and the contribution of nearby public car parks to satisfying the need for additional spaces addressed.
2. The loss of public car parking spaces is mitigated through inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to secure proper use of the facility.
3. The scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped.
4. Of prime importance, that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a S106 agreement.
5. The car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being available for coach turning only.

Members agreed that negotiations should continue to try and find an acceptable package of benefits to offset the impact of the car parking proposal.

The applicant is to pay £20,000 to the SWCP via a S106 or unilateral undertaking and a package of works has been specified by the TCCT to be carried out to upgrade the degraded footpaths, open up 2 viewing points near the hotel that have become very overgrown and inaccessible, to replace seating and to erect signage/ information boards about the SWCP and the ecology of the area. The applicant has agreed to maintain the whole area of land up to Daddyhole car park to a specification to be drawn up by TCCT which will be designed to reinforce the grassland character which has been overwhelmed by invasive species and scrub. This he has agreed to for the term of the lease to be granted to use the land for car parking.

The car parking scheme itself is more suitably detailed and will involve a natural stone faced bank with a native hedge to prevent falling and to provide not only a more aesthetically pleasing edge to the scheme but one that will have ecological benefits and compensate for the loss of Hawthorn. Maintenance of this to produce a dense hedge will be specified by TCCT and included in the maintenance schedule. The spaces adjacent to the SWCP that were thought to be damaging to the enjoyment of that route have been relocated to the western end of the car park. This does extend the car park beyond that previously considered but it does not raise any particular concerns.

Public spaces are to be included in the scheme and a Car Park Agreement will be needed to ensure they are managed in a way that benefits public users.

Finally, the applicant has agreed to mark out a specified area of the forecourt of the hotel to be reserved for coach turning only. This is shown on the submitted plans. This will be secured by condition and it will require the area to be kept free of parked cars at all times. Whilst it cannot guarantee an end to abuse of the public highway by coach drivers it does mean that sufficient space is freely available for turning and if it is not kept clear breach of condition notices can be served to ensure compliance. Highways have 'tracked' a coach turning and it is demonstrated to be adequate. It does require a small extension to the extent of public highway adjacent to the proposed car park bay and this will be required to be in place prior to use of the car parking spaces.

European funding can be secured by the SWCP to match fund the contribution by the applicant. There is some £18,000 unspent s106 money that can be added to the pot and cumulatively this provides enough money for a comprehensive upgrade of the SWCP from Meadfoot through to the Imperial Hotel. This is a significant benefit which does bring real improvements to the enjoyment of this beautiful area and its coast walks. The maintenance agreement which covers an extensive area of land and will secure an improvement to its ecological character not only mitigates for impact on wildlife but will reduce demands on the public purse.

S106/CIL -

A S106 agreement will be required to secure the £20,000 funding for the proposed works included in the TCCT specification, the implementation of the maintenance agreement to an agreed specification for the duration of the lease and entering into a Car Park Agreement for the management of the spaces.

Conclusions

The revised scheme achieves a package of improvements to the wider landscape and to the SWCP to offset the localised impact of the car parking, the scheme itself is improved in terms of detail and offers a more sympathetic response to the character of the site. Public car parking is achieved to offset the loss of public verge side spaces and space is made available within the forecourt of the hotel to allow a coach to turn and the availability of this can be secured by condition.

Relevant Policies

-

PREVIOUS COMMITTEE REPORT

Application Number

P/2012/0647

Site Address

Headland Hotel
Daddyhole Road
Torquay
Devon
TQ1 2EF

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Excavation of land up to a depth of a metre to create a 19 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities

Executive Summary/Key Outcomes

The proposal involves the excavation of an area of Daddyhole Plain to create a

19 space car park and coach parking to serve the Headland Hotel. The site is sensitive. It is Urban Landscape Protection Area, Conservation Area, within an Area of Great Landscape Value, Coastal Preservation Area and County Wildlife Site. It abuts a SSSI. It has generated objections from residents concerned about its impact on the quality of the natural landscape.

There may, however, be some merit in the proposal if it a) demonstrably underpins the future viability of the hotel, b) delivers an adequate and appropriate mitigation strategy to upgrade the coastpath network and the quality of adjacent 'higher value' landscape on the headland, and c) delivers replacement public parking and achieves some resolution of the ongoing problems of coaches reversing down Daddyhole Road.

As it stands, these objectives are not delivered. It is therefore recommended for a refusal of planning permission. Members are requested to offer guidance in relation to a revised scheme that does deliver a more suitable package of improvements.

Recommendation

Site Visit; Refusal: due to adverse impact on landscape character and parking in the absence of an agreed mitigation strategy. Members are requested to provide a steer as to the likelihood of support for a revised proposal that delivers items 1-5 at the end of this report.

Site Details

Comprises an area of land approximately 44 m long and 6 m wide located opposite the Headland Hotel, within Daddyhole Plain. The application site is within the Lincombes Conservation Area, it is an Urban Landscape Protection Area, an Area of Great Landscape Value and it is within a County Wildlife Site. It abuts a SSSI which is designated for its vegetation which is mainly unimproved grassland. The South West Coast Path [SWCP] passes the eastern boundary of the site. It currently has an attractive landscape character with scrub, grassland trees and hedges. Public car parking is currently available along the public highway which forms the northern boundary of the site. The land is Council owned.

Detailed Proposals

Is to excavate the area of land to create car parking for 19 cars and to include an area for coach parking. The depth of excavation varies from around a meter at the western end of the site to some infill at the eastern end. It is proposed to enclose the car parking area with a bank of varying height and to surface it with 'grasscrete' or similar. There is some loss of planting including a Larch tree. There is some minor demolition of the front boundary wall of the Headland Hotel

to facilitate coach turning and loss of a short extent the public footpath.

Summary Of Consultation Responses

English Heritage: Does not wish to comment.

Natural England: Obs awaited.

Torbay Coast and Countryside Trust: Offer support subject to a range of works to be carried out to the SWCP and adjoining landscape and have been involved in discussions to negotiate a package of mitigation.

South West Coast Path: As Above. European funding is apparently available to match fund the contribution derived from the hotel.

Torbay Development Agency: Support the principle as it would support the future viability of the Hotel.

Drainage: Want details of drainage system to be used.

Highways: Considers that there are existing opportunities for coaches to turn and that this represents more of a case of increasing car parking provision. Does not however object to the scheme providing that there is no net loss of public car parking and so would like to see 5-6 spaces reserved for public use.

Summary Of Representations

There have been many representations. The majority of residents are opposed to the scheme for the following reasons:

1. Adverse impact on landscape character/trees/loss of natural habitat.
2. Such a proposal is unnecessary due to the availability of public car parking in close proximity to the Hotel.
3. It would not solve the problem of coaches reversing down Daddyhole Road.
4. Public land should not be used for private profit.
5. It would lead to the loss of existing public car parking currently available on the public highway.
6. The Hotel should use its own land to meet the needs of its customers.
7. Increased traffic hazards would be caused to pedestrians using the SWCP.

In terms of support for the proposal, there is a minority view that it will bring to an end the ongoing problems of coaches reversing down Daddyhole Road as it will allow coaches and lorries the opportunity to turn providing that a condition is imposed requiring the forecourt of the Hotel to be kept clear of parked cars.

Relevant Planning History

Permission has been granted in the past to allow more car parking on the site.

P/2006/0661: Construction of 17 space car park to forecourt of hotel:
Approved February 2006.

This followed 2 earlier refusals of planning permission for a 19 space car parking area due to the impact on trees.

A large stone planter which formed the front boundary to the hotel was demolished several years ago without Conservation Area Consent. This area now forms an unauthorised addition to the existing car park.

Key Issues/Material Considerations

The key issues are: 1) the impact on the natural landscape character of the area and on wildlife habitat and the degree to which this can be mitigated by the improvements to the design of the scheme and to the adjacent SWCP and associated landscape, 2) the need for additional spaces for the Hotel and the contribution that these would make to the long term viability of the hotel, 3) whether the loss of public car parking can be mitigated, 4) whether existing public car parking facilities could be used to resolve the needs of the Hotel, 5) whether it is justified to use public land to provide private car parking, 6) whether the proposal would detract from or enhance the experience of SWCP users and 7) whether the scheme is likely to resolve the long standing problem of coaches reversing along Daddyhole Road. Each will be addressed in turn.

Would the proposal adversely impact on the Natural Landscape Character of the Area?

The site is prominently located within the Lincombes Conservation Area and the Daddyhole Plain Urban Landscape Protection Area; it is within an Area of Great Landscape Value, within a Coastal Preservation Area and it is in the Daddyhole Plain County Wildlife Site. It is also within the Coastal Protection Zone. It abuts a SSSI. This policy protection reflects the importance of its natural landscape and ecological character and the contribution it makes to the quality of the coastal area. It has an undeniably attractive character which is much appreciated by locals and walkers alike.

However it is a strip of roadside land and does not enjoy the same 'value' in terms of visual quality as areas more central to Daddyhole Plain. This suggests that this scheme could be acceptable if the benefits to the wider and 'higher value' protected landscape on the adjacent headland are of a sufficient scale and quality to mitigate the impact of the introduction of the car parking bay.

An acceptable scheme would also be required to be very sympathetically designed itself in order to ensure integration with the character of the wider

landscape. The SWCP team and TCCT have been engaged in discussions with the applicant about a package of improvements to the SWCP footpaths and to manage and improve the quality of the headland landscape. These two organisations consider that there is a package which would offer adequate compensation for the impact on the scheme. Unfortunately this package was not fully worked up and included in the application.

In terms of the design of the existing proposal, it is not well detailed, it needs some 'strategic' landscaping and the arrangement of spaces would be better if drawn back from the SWCP and proximity to the SSSI. As it stands, the scheme could be improved and the package of benefits needs to be agreed and included in a S106 agreement.

In terms of ecology, the impact of the development is capable of being mitigated by a 5 year management plan in relation to adjacent land.

Is the need for additional car parking spaces justified?

Planning permission has been granted in the past for additional spaces within the grounds of the hotel and these have largely been implemented. The applicant contends that he needs more spaces and is losing custom due to the lack of spaces. He currently has around 20 spaces on site, there is freely available public car parking along Daddyhole Road and there are two public car parks, one on Daddyhole Plain and one on the Meadfoot Beach end of Daddyhole Road which are generally underused and both within easy walking distance.

In comparison to many hotels in the Bay, this is well served by car parking. There is little justification included within the application relating to the need for car parking.

Should the scheme include mitigation for loss of public car parking?

Highways have commented that they expect the loss of public car parking, which currently occurs on the public highway to be mitigated by the inclusion of an equivalent number of spaces within this scheme. This would be equivalent to around 5-6 spaces leaving the balance as private spaces for the hotel. It is unknown at the moment how this would be managed and whether the number of spaces remaining for the hotel would render the scheme viable.

Is it justified to use public land to provide private car parking?

The land in question is owned by the Council and is currently public open space. There is a concern that a public asset should not be used to benefit a single business, however, highways have asked that public spaces be accommodated within this scheme so that there is no net loss of public car parking. As previously explained, this scheme is only likely to be acceptable if the 'public benefit' i.e. the wider mitigation, is sufficient to outweigh the impacts that arise on the local

environment. This has yet to be demonstrated.

Could Existing Car Parks be used to provide improved car parking opportunities for the Hotel?

There are two public car parks that are not well used in close proximity to the hotel. Use of CCTV and other management improvements would allow these to be used more effectively to serve local hotels. This needs to be explored as part of the justification and consideration of an alternative scheme.

Would the Scheme enhance or detract from the public enjoyment of this well used pedestrian route?

Although the SWCP's defined route borders the seaward side of the application site, this is elevated, in a poor state of repair and not ideal for those with limited mobility. As a consequence many walkers use Daddyhole Road as part of the SWCP as it provides a level access along the route. Again, the acceptability of this depends on how attractive the defined route can be made. It also depends on the quality of the scheme and the degree to which its visual intrusion can be mitigated. As a minimum, the spaces that are shown immediately abutting the SWCP need to be deleted and appropriate landscaping introduced.

Is this likely to resolve the long standing problem of coaches reversing along Daddyhole Road?

There has been a long standing problem of coaches reversing down Daddyhole Plain. This action is contrary to the Highway Act and the drivers are liable to prosecution. It is a cul de sac and residents have for some time pushed for a turning circle to be provided to discourage drivers from carrying out this illegal action. The applicant recently demolished a large stone planter that formed a front boundary to the hotel and if the space freed up had been reserved as a turning circle it would have been sufficient to resolve the problem. Whilst the plans show the coaches turning using an existing access to the side of the hotel, this manoeuvre is possible now and has not bought about an end to the practice. For this reason, and to enable a greater degree of certainty about the likelihood of coaches turning it is suggested that this space should be clearly marked as a turning circle and cars denied the opportunity to park. It would mean the loss of 4 existing spaces. This arrangement would also be better aesthetically and for pedestrians as it would obviate the need to demolish the stone boundary wall and to remove part of the footpath.

S106/CIL -

A S106 agreement would be required to secure the appropriate mitigation in the event that an acceptable scheme is forthcoming. This would need to mitigate for the landscape impact and the loss of on street parking spaces.

Conclusions

The scheme as it stands will primarily achieve more private car parking to serve the hotel. There is widespread concern that the proposal would be damaging to the character and appearance of Daddyhole Plain. There is some limited support from residents of Daddyhole Road if it secures an end to the illegal manoeuvre of coaches reversing down Daddyhole Road. The site is heavily constrained by policies designed to protect the landscape, visual and ecological character of the site. On that basis, the scheme is only likely to be acceptable if:

1. The need for the additional spaces is justified and the contribution of nearby public car parks to satisfying the need for additional spaces addressed.

2

. The loss of public car parking spaces is mitigated through inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to secure proper use of the facility.

3. The scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped.

4. Of prime importance, that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a S106 agreement.

5. The car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being available for coach turning only.

As the current proposal does not achieve these objectives, it is recommended that planning permission be refused but Members are asked to offer a steer as to their views on a revised application that achieves items 1-5 above. This would enable the applicant to have some understanding about the residual viability of the scheme and a degree of 'comfort' about the outcome prior to investing resources in assembling an appropriate package of improvements.

Condition(s)/Reason(s)

01. In the absence of an agreed management plan for use of the car park area, the proposal would lead to a loss of public car parking which currently takes place along the adjacent public highway. As such the proposal is contrary to policy T25 of the Saved Torbay Local Plan 1995-2011.

02. The excavation of the land within Daddyhole Plain public open space to create the car and coach parking would adversely affect the special landscape

character of the area. The site is prominent within the Lincombes Conservation Area and is designated as an Urban Landscape Protection Area, Area of Great Landscape Value, Coastal Preservation Area, Coastal Protection Area, County Wildlife Site and is adjacent to a SSSI. In the absence of a satisfactory level of mitigation in terms of the detail of the design and enhancement of the wider landscape, the scheme is contrary to policies BE5, BES, BE1, BE2, L5, L2 and L3 of the Saved Torbay Local Plan 1995-2011.

Informative(s)

01. You are advised that a revised scheme that delivered an improved and fully detailed design, a satisfactory level of mitigation in relation to the SWCP and the wider landscape character and a Management Plan demonstrating how the proposed development could deliver a solution to the coach turning and mitigate the impact on the loss of public car parking on the highway would be more likely to be acceptable.

Relevant Policies

- BE5 Policy in conservation areas
- L5 Urban Landscape Protection Area
- L2 Areas of Great Landscape Value
- L3 Coastal Protection Areas
- NC2 Protected sites - nationally important si
- BE1 Design of new development
- BES Built environment strategy
- BE2 Landscaping and design
- T25 Car parking in new development