

Application Number

V/2015/0004

Site AddressLand West Of
Brixham Road
Paignton
Devon
Torbay**Case Officer**

Carly Perkins

Ward

Blatchcombe

Description

Variation of S106 for P/2011/0197 - Alignment of woodland walk

Executive Summary/Key Outcomes

This proposal is to change the route of the woodland walk that was approved as part of the Landscape and Ecological Management Plan (LEMP) for the White Rock development. The revised route will be along existing field boundaries which will improve agricultural efficiency of surrounding land.

The application site relates to the White Rock site which is a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. There are a number of buildings to the east of the site and recently constructed road infrastructure. A number of houses have already been built within the eastern part of the site adjacent to Brixham Road.

This application is for a variation of the section 106 in respect of planning application P/2011/0197 which granted outline consent for up to 350 homes, approximately 36,800m² gross employment floorspace, a local centre together (comprising a food store of up to 1,652m² gross, 392m² A1/A3 use and student accommodation) together with associated infrastructure and landscape works (including 15ha of open space and a sports pavilion). The section 106 (together with condition 10 of the planning permission) necessitated submission of a Landscape and Ecological Management Plan (LEMP). The LEMP was approved as part of a discharge of condition application to discharge condition 10 on the 28th January 2014.

The proposal will maintain provision of the woodland walk albeit to an amended route. The variation of the section 106 agreement is considered acceptable and will continue to provide sufficient public access to the countryside in line with policy SS9 (Green infrastructure) of the New Torbay Local Plan 2012-2030. This recommendation however is subject to the submission of additional

information clarifying the route and whether it would result in additional breaks in the hedgerows.

Recommendation

That the terms of the S106 agreement be revised in respect of the amended woodland walk route subject to the submission of a plan to clearly illustrate the proposed route and clarification as to whether additional breaks in the hedgerows will be required. The revised S106 agreement to be completed within 3 months from the date of this committee

Statutory Determination Period

8 weeks, the determination date is the 19th December 2015.

Site Details

The application site relates to a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. There are a number of buildings to the east of the site and recently constructed road infrastructure. A number of houses have already been built within the eastern part of the site adjacent to Brixham Road.

The site comprises two topographical 'bowls' one to the west and one to east of the site, with higher ground towards the centre of the site. To the south and west are a number of wooded areas; Waddeton Road, Plantation, Shopdown Copse and Peter's Copse. A number of hedgerows cross the site.

The eastern section of the site is allocated in the New Torbay Local Plan 2012-2030 as a committed development site. The remainder of the site is designated as countryside zone with an area designated specifically as a proposed country park, countryside access or enhancement scheme and as a potential development site for consideration within the Neighbourhood Development Plan for employment investment.

Detailed Proposals

This application is for a variation of the section 106 in respect of planning application P/2011/0197 which granted outline consent for up to 350 homes, approximately 36,800m² gross employment floorspace, a local centre together (comprising a food store of up to 1,652m² gross, 392m² A1/A3 use and student accommodation) together with associated infrastructure and landscape works (including 15ha of open space and a sports pavilion). The section 106 (together with condition 10 of the planning permission) necessitated and secured the production of a Landscape and Ecological Management Plan (LEMP) to mitigate for potential impacts arising and specifically to provide and secure necessary landscape planting in the long term. The application to vary the section 106 agreement is submitted for amendments to be made to the approved LEMP. The

LEMP was approved as part of a discharge of condition application to discharge condition 10 on the 28th January 2014.

The LEMP provides details of a number of proposals that will enhance the landscape character of the site including provision of a woodland walk. The proposed variation to the section 106 agreement relates to the woodland walk with the remainder the proposals with the LEMP remaining as previously approved. The amendment to the woodland walk results in the footpath moving northwards along Waddeton Road before turning westward along the northern field boundary. The start points of the Woodland Walk within the White Rock development remain as previously approved.

The amendment to the Woodland Walk has been sought to ensure the land adjacent to the route can continue to be farmed in an efficient manner.

Summary Of Consultation Responses

Green Infrastructure Co-ordinator: The supporting letter describes the original route as being "located on land beyond the southern boundary of the site. To the east of the route, it enters an area of proposed woodland planting and moves in a westerly direction towards Waddeton Road, whereupon it follows the route of the road in a south westerly direction. After a short distance the route leaves the road in a north westerly direction. After a short distance the route leaves the road in a north westerly direction through a further area of proposed woodland planting before re-entering the site in the vicinity of an area broadly referred to as the western bowl."

The proposed route is described as "being centred on the western extent and is limited to a change which results in the footpath following a short section of Waddeton Road in a north easterly direction (rather than south westerly) before turning west around the northern field boundary towards the western Bowl."

It is considered that the original proposal, as shown on Drawing 40158/SK/515, is not as described above. The proposal was for a crossing of the Waddeton Road and then onward travel (in a south-westerly direction) within the field boundary on the opposite side of the road rather than along the road itself. This is clarified in paragraph 4.12 of the approved 'LEMP - Off-Site Woodland and Hedgerows' prepared by Ecosulis which states: "Cycling would not be encouraged due to frequent breaks in the route and the crossing point over Waddeton Road....."

For safety purposes, and to ensure a more enjoyable walk for future residents of the development, the new proposal will only be considered suitable if the proposal is for a crossing point of Waddeton Road and onward travel within the field boundary on the opposite side of the road. It is noted that this new route makes less use of the newly proposed woodland planting. However it will be accepted if deemed necessary to allow the land to continue to be farmed in an efficient manner subject to the route being inside the field boundary as described

above.

Natural England: Agree with the comments of the Green Infrastructure Co-ordinator

Natural Environment Officer: Agree with the comments of the Green Infrastructure Co-ordinator.

Arboricultural Officer: There are no arboricultural constraints present providing the path formation does not alter the root protection areas. No comment is necessary.

Summary Of Representations

None received.

Relevant Planning History

P/2011/0197 Outline application for up to 350 homes, approximately 36,800m² gross employment floorspace, a local centre together (comprising a food store of up to 1,652m² gross, 392m² A1/A3 use and student accommodation) together with associated infrastructure and landscape works (including 15ha of open space and a sports pavilion) APPROVED 29.04.2013

Key Issues/Material Considerations

The relevant considerations are the impact of the proposed amendment on access to the countryside.

The original LEMP noted that the proposal offered pedestrian links between the new urban areas and the adjacent countryside where currently access opportunities are limited. The Woodland Walk was planned to promote access to the countryside. The development proposal will continue to provide a woodland walk as proposed within the original LEMP.

Policy SS9 (Green Infrastructure) of the New Local Plan 2012-2030 seeks to integrate new development with strategic green infrastructure and to protect and provide high quality green space at a local level. It goes on to state that developments will be assessed against their ability to deliver high quality green infrastructure or contribute to the enhancement of the green infrastructure network. The proposal continues to be compliant with the aims and objectives of policy SS9 although it is noted that the amended route will make less use of the proposed new woodland planting. The justification for the amended route in terms of the efficient agricultural use of the surrounding land is noted. On balance, having considered the continued provision of the woodland walk albeit to an amended route and the need to ensure the effective use of the best and most versatile agricultural land (in line with policy SC4 of the New Torbay Local Plan 2012-2030), the variation of the section 106 agreement is acceptable and will continue to provide sufficient public access to the countryside in line with

policy SS9 of the New Torbay Local Plan 2012-2030. This recommendation however is subject to the submission of a plan that clearly illustrates that the new route would move northwards within the field boundary and clarification regarding whether the new route requires additional breaks in the hedgerows.

S106/CIL - The terms of the section 106 agreement in relation to the woodland walk be amended to refer to the amended route.

Conclusions

On balance, having considered the continued provision of the woodland walk albeit to an amended route and the need to ensure the effective use of the best and most versatile agricultural land (in line with policy SC4 of the New Torbay Local Plan 2012-2030), the variation of the section 106 agreement is acceptable and will continue to provide sufficient public access to the countryside in line with policy SS9 of the New Torbay Local Plan 2012-2030. This recommendation however is subject to the submission of a plan that clearly illustrates that the new route would move northwards within the field boundary and clarification regarding whether the new route requires additional breaks in the hedgerows.

Informative(s)

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

Relevant Policies

SS9 - Green Infrastructure

SC4 - Sustainable food production